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# INVESTIGATION

OF THE RECENT

CHARGES BROUGHT BY PROF. SUMICHRAST

AGAINST

KING'S COLLEGE, WINDSOR,

With Letters, Reports, and Evidence.

---

PUBLISHED BY ORDER OF THE BOARD OF GOVERNORS.

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HALIFAX, N. S.

PRINTED BY JAMES BOWES & SONS, BEDFORD ROW.

1872.

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Dalhousie College Library

*The*

JOHN JAMES STEWART  
COLLECTION

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6567-July 18/21

At the adjourned meeting of the Governors of King's College, on 24th May, it was ordered that all the proceedings and documents connected with the investigation lately held by the Visitor and his Assessors, at King's College, from the first letter of Professor Sumichrast, containing his charges against the Governors, Officers, and Students, to the present time, including the evidence taken down by the Reporter at the Court of Enquiry, be forthwith published in a pamphlet form for general information.

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LETTER OF PROFESSOR SUMICHRAST,  
CONTAINING HIS CHARGES AGAINST KING'S COLLEGE.

KING'S COLLEGE, WINDSOR, N. S.,  
24th February, 1872.

To the President and Members of the Board of Governors of King's  
College, Windsor:

MY LORD AND GENTLEMEN,—

I have the honor to acknowledge receipt of a letter from the Secretary of your Board, intimating that my communication addressed to you "was laid before the Board to-day (12th February) and received due consideration."

I am therefore compelled to suppose that the Board declined to take any immediate action upon the statements contained in my letter referring to certain violations of Rules, statements made by me as a member of the Committee on the Constitution and Calendar, and as a Professor in the College. As there were present at the meeting of the Board two Governors, also members of the Committee, one of them for sometime Chairman of it, and throughout active in furthering the framing of the rules of the violation of which I complained, and the other the President of the College, by his office bound to see that these Rules were observed, I can put but one interpretation upon the silence of the Board in this matter, viz: first—That the charge of violation of the Rules was admitted to be true and considered to require no proof, and secondly, that the position of those who have permitted the violation and their relation to the other members of the Board have made the Board resolve not to enquire further into the matter lest decisive and just action should become necessary. Now it is clear to me, acquainted as I am with the condition and working of the College, that it is not fulfilling its object.

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at present, and that it cannot fulfil it if enquiry is stifled and disorder and misrule are protected and encouraged. Neither is this the first time that the attention of the Board has been authoritatively called to the disgraceful neglect of Rules within the College, nor the first time that serious charges have been preferred against the authorities; yet no steps have been taken to conscientiously carry out the necessary steps to restore the College and to regain public confidence. The revelations made at the Visitation of last year and those which followed the appointment of the Committee on the Constitution and Calendar proved beyond a shadow of a doubt that the great public responsibility which rested, and still rests, whatever attempt may be made to ignore it, on the Visitor, on the Board of Governors, and on the President and Officers of the College and University, has been, and I repeat, is still, contemned and evaded, and not only in regard to the Institution have false statements been put forward officially, but also in regard to the engagement of Professors abroad.

I mean to prove each of those propositions, and as I am the complainant in this case, and the history of the College since my arrival here will abundantly prove the first, and as the consideration of it flows from the proof of the second, I will begin with that.

False information supplied to Professors abroad.

I state that the terms on which I was engaged and the information given to me by the Board's Agent in London, were erroneous, and that the information did not give a true account of the situation I was to fill, of the state of the College, and of the locality.

On the 27th September, 1870, being then in London, I read in the columns of the "Athenæum" an advertisement requiring applications for the Professorship of French and German "in one of the oldest Universities in British North America." I wrote to the address given and received the following reply:

"17, JAMES STREET, BUCKINGHAM GATE, }  
"September 27th, 1870."

Gallenga's first letter. "Mr. Antonio Gallenga presents his compliments to Mr. Roussy-Sumichrast, and begs to inform him that he will be very happy to give all further particulars about the Professorship advertised in the 'Athenæum,' if Mr. Roussy-Sumichrast will be kind enough to call on Mr. Gallenga, at this house on Friday next at 10 A.M.

"The private t (sterling)

The on my ca was Kin £150 ste by the Collegiat amount miles fro not havin College would be by teach Lectures expense Windsor College every ex Windsor much so spend a very ill- of all c myself.

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"The salary given is £150 (sterling), but by fees and private tuition it may easily be made to rise to £300 (sterling)."

The "further particulars" promised were given me on my calling, and were to this effect:—The University was King's College, Windsor, Nova Scotia; the salary £150 sterling, "not a penny of which need be spent" by the Professor, as he would have the Academy or Collegiate School which paid very good fees, and a large amount of private tuition; the town of Windsor was 30 miles from Halifax, where the Professor could reside, not having to give more than *six hours a week* to the College and Collegiate School *together*. In Halifax he would be enabled to make a very large income, not only by teaching modern languages, but by delivering Public Lectures; living in Halifax would, however, entail the expense of board and lodging, while by staying at Windsor and living in the College, as desired by the College authorities, the Professor would be relieved of every expense and thus leave his salary untouched; Windsor was dull and rather devoid of amusements, so much so that the Professor would be at a loss how to spend any portion of his salary; the place would be very ill-suited to an oldish man with a family, but was of all others the one to be chosen by such a man as myself.

It was impossible to verify these statements even had the slightest doubt entered my mind. I took it for granted that the greatest accuracy would characterize all information coming from a University and College of which I was told the Bishop of Nova Scotia was Visitor, and his Archdeacon President.

Accordingly, after mature consideration, I became a candidate, and on the 17th November, 1870, was informed of my appointment to the chair. I came out to Nova Scotia therefore on the distinct understanding that I was to receive £120 sterling as Professor in the College, and £30 sterling as master in the Collegiate School, that I was not to be required to give more than three hours twice a week to the College and Collegiate School *together*, and that my income, as augmented "by fees and private tuition," was to "easily rise" to £300 sterling. I was to be one of the staff of a

Terms of my engagement.

flourishing University, to have energetic colleagues, and every opportunity of distinguishing myself both as a teacher and as a "litterateur."

This is what I had been promised. This is what I found:—The £30 sterling from the academy was by no means a certainty; events proved that the receipt thereof depended on my being able to make arrangements with the head master to take the classes, while it had been stated to me as a certainty. The head master and I, when one term had passed, found we could not agree and parted. The six hours a week to the College and Collegiate School *together* turned to twelve and a half hours a week to the College alone, and four, eventually six, hours a week to the Collegiate School. The fees had no existence, as, by the system of nominations in force in the College, no fees could be charged. The private tuition was equally imaginary; the residence in Halifax impossible, and the chance of making an income there taken away. The "leaving the salary untouched" was as fallacious as most of the information; for the expense—no light one—of living in College and furnishing rooms, and heating and lighting them, had all to come out of this £120 sterling. The place was perhaps suited to an oldish man with a family, but all things considered, certainly not for a man such as myself, for, as I shall presently show, it was burying one's self alive.

Gallenga's second letter.

The surprise I naturally felt led me to write to Mr. Gallenga, in order to know how he had come to misrepresent the state of matters. In reply he said:

"ATHENÆUM CLUB, LONDON, April 6, 1871.

"DEAR SIR,—The particulars I gave you about the place you were to occupy at King's College, were partly official, extracted from Dr. McCawley's letter, and partly unofficial, *grounded on my recollection of experience made 27 years ago.*"

The italics are my own. Comment on this passage is needless. Mr. Gallenga adds:

"From your description I perceive that things are changed for the better with respect to the College, though for what concerns yourself, *you have more work and less pay than I thought you had bargained for.*"

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ing passage: "*With such a heavy task upon your time and labor your salary is decidedly insufficient.*"

These extracts speak for themselves. I add nothing.

As for a flourishing University, the energy of my colleagues, and the opportunity for distinguishing myself—the value of these let the sequel show.

I accepted the position; to use a vulgar expression, "made no bones of it," and saw that if I wanted to distinguish myself as a teacher I must resolutely set to work to become acquainted with my duties.

I may here observe that I was greatly surprised and somewhat hurt when I found that I had no declaration of any kind to make before entering on the duties of my office. I subsequently found in an ignored pamphlet, entitled "Statutes, Rules, and Ordinances of the University of King's College, Windsor, Nova Scotia," that I was *bound* to sign a declaration, but those matters were not more attended to then than they are now, for to my knowledge one Professor in this College has not yet signed any declaration whatever, that he will faithfully perform his duties, and consequently he cannot be held responsible for any irregularities.

President neglects to require Declaration on taking Office.

I found that the neglected and semi-ruinous appearance of the College buildings was but the type of the confusion existing in the College itself. There was no such thing as discipline—the officers in charge of it, namely, the President, Vice-President and Proctor, did not fulfil their duty; the former I do not know why, the two latter because they were not appointed. The students could then, and still can, go out at any hour of the day or night without let or hindrance. There is, it is true, a statute forbidding students to be out of College after 10 p.m., without the permission of the President, and in the Cal. for 1871-72 a Rule, drafted by the Vice-President and sanctioned by your Board, that no student is to be out of College after 7.30 p.m., without permission from the Vice-President. This rule is not observed.

Want of discipline in the College.

Students can go in and out of College when they please.

Violation of Statute.

I found the Curriculum not adapted to the wants of the age, and the rapid progress of education. I elaborated a scheme which was concurred in by colleagues, and approved by your Board, who adopted the new Curriculum proposed. This was done in the teeth of a

New Curriculum.

Opposed by a President.



State of the  
University de-  
scribed in pre-  
amble of new  
Curriculum.

strong and open opposition on the part of the President. The preamble to the memorial presented along with this new scheme, stated, among other points, "that there is not sufficient inducement held out to the students to work. Further, that the future of the College is at present very doubtful, while under the new scheme, *if carefully carried out, and with a strict observance of the Statutes*, there is no doubt that the University would rise once more to the rank of the highest and best educational centre in the Province. That the Professors, who are at present completely prevented from making a name and a future for themselves, would have the opportunity of distinguishing themselves in the educational and literary worlds, instead of being wholly severed from and forgotten by them; that the new scheme would awaken new life in the University, and would necessitate efforts on the part of *all* the Professors, as well as on that of the students, to sustain and raise the standard proposed; that many donations of money, books, &c., at present withheld, on account of the torpid state of the University, would constantly be made."

Not a word of objection was raised against that preamble, strong as are the statements and expressions contained in it. It was tacitly acknowledged to be perfectly true and incontrovertible.

Charge of viola-  
tion of Statu-  
tes officially  
made by three  
Governors.

Reference was made in it, and pointedly made, to the fact that the Statutes of the University and College were not observed. This charge of violation of the Statutes was officially made while the new scheme was under the consideration of your Board. Three of your body forwarded a requisition to your Lordship, as Visitor of the College, stating that they were prepared to prove the violation of the Statutes in ten material points, and demanding therefore that your Lordship should hold a Court of Inquiry. The Visitation took place; in conjunction with the President and the other Professors, I was summoned before your Lordship. Not one of the charges implicated me in the slightest degree, but on the other hand it was fully established that the President, the Vice-President, the Bursar, the Librarian, the last three offices being held by one person, had manifestly neglected their duty. Your Lordship will remember that not one word of defence was spoken by the officers, who were thus proved to have violated the Statutes, and

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allowed the discipline of the College to be of no effect, the Library and Museum in danger of being completely ruined, and the most important documents neglected altogether.

The state of matters within the College, as revealed by this inquiry, was enough to make men of ordinary sense of honor blush to think it should have been so long tolerated, and although there could be no doubt that the greatest portion of the blame rested with the President, yet all must have felt that the duties of the Visitor had not been fulfilled either, or so many important statutes could not have been violated for so long.

It is very true also that the offenders were not visited with any punishment or rebuke, but on the contrary confirmed in their important posts and enabled to resume the practices which had called forth the Requisition. This is proved by the fact of my having complained of the violation of new Rules. All that was done was to relieve the Vice-President of one of his offices, which he had clearly shown himself unfit for—the office of Librarian. I have a right to recall to your Lordship and your Board the state of things in the Library at that time, and this I cannot do better than by quoting from official documents. Nor can your Board forget that irrefragable proofs of all I have stated exist in the papers in the hands of your Secretary and stand on record in the minutes of the proceedings of your Board.

Offenders confirmed in their posts and not even rebuked.

Proofs in the hands of the Board.

The Library building was grievously damaged, internally and externally. Several windows were broken, a large hole existed at the end of the south-eastern gable, whereby rain, snow and wind found easy access to the interior; the shelves, floor and books were covered with broken plaster, mortar, bricks, bits of glass, slates and other rubbish. The books were in a state of utter disorder, uncared for, never looked after, exposed to mildew and other pernicious influences, many of them rotting; others thrown higgledy-piggledy in a barrel, others again lying in a heap of broken panes of glass and slates; in a word so neglected as to disgust any intending benefactor.

The catalogue of the Library was lost; the Librarian could give no better account of it than that it had been stolen; as I had complained of the loss, he charged me to a third party of having made away with it; the

State of the Library.

catalogue, however, turned up several months later, the Librarian having lent it to an intending benefactor, *and forgotten all about it.*

Large numbers of volumes were missing; numberless irregularities existed, and the registering of books was almost ignored, as the following tables will show. Let figures and facts speak for themselves.

The following table shows the number of books lent out from the Library from 1855 to 1871, as far as can be ascertained from a careful analysis of the Librarian's books and register :

Year.	No. of vols.
1855.....	35
1856.....	177
1857.....	293
1858.....	250
1859.....	297
1860.....	425
1861.....	226
1862.....	457
1863.....	360
1864.....	234
1865.....	198
1866.....	128
1867.....	93
1868.....	31
1869.....	44
1870.....	19
1871 (from Jan'y to end of March).....	133

Forty-seven volumes are entered as lent out to the President, Professor How, and Rev. G. W. Hodgson, without any dates of taking out or returning. But I shall have to refer again to this.

There are other irregularities, but some were explained away. One fact, however, was not satisfactorily accounted for, viz. : the discrepancy between the official return of the number of books in the Library, made to the Government, and the number counted within the Library on the 15th of April, ten days before your Lordship's Visitation.

The numbers were :

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	Vols.
Counted within the Library on 15th April, including pamphlets .....	5640
Registered as lent out and not returned.....	56
Total.....	5696
Estimated number of pamphlets.....	196
Total number of bound volumes.....	5500
Official return made to Government (bound vols.) .....	6180
Discrepancy (bound vols.).....	686

Immediately after the Visitation I was appointed My appointment as Librarian, and among my first acts was the calling in of all books belonging to the Library. Some noteworthy facts produced themselves on this step being taken. The President of the College returned into my hand 60 volumes, none of them entered on the Register. He subsequently, while I was out of the Library, brought down and replaced on the shelves, without giving me notice of any kind, three or four times that number. Other gentlemen likewise returned books that had never been entered, and altogether I recovered over 300 volumes. This was done in great part after I had finished taking stock of the Library, and was referred to by me in a letter I addressed on the 3rd June, 1871, to the Resident Governors in charge of the Library. At this moment there are 34 volumes entered in the catalogue still missing without any clue being afforded by the former Librarian's Register to their whereabouts.

In the Cabinet of Coins, which was also transferred to my charge by the ex-Librarian, I found, on going over the coins with him, on the 13th May, that 9 coins, two of them gold, were missing. These have never yet been recovered.

In the Museum, of which I was likewise instructed to take stock, I found not only evidences of negligence, but, to use the words of the Curator himself, "a perfect chaos." From one collection alone I found that 31 specimens were wanting. Boxes containing College specimens had remained unopened for seven and nine years. The Entomological collections I found ruined beyond recall; the collections of Plants partly dispersed in dusty cupboards, the Conchological collections lying

on floors and shelves of open cupboards, the Natural History specimens, with the exception of two stuffed birds and three or four human skulls, ruined like the insects. I found the Mineralogical and Geological specimens covered with dust and dirt, in complete disorder, and thrown in heaps or scattered upon shelves, and in drawers, evidently never looked at, never used, never cleaned, never augmented, while in striking contrast to the shameful treatment of those *public* collections thus disregarded and left to ruin, stood out the admirable and superb *private* collection of the Professor in charge of this department; a collection surprising the visitor by its completeness, its beauty, its order, and the attention bestowed upon it. And let it be noted that this collection was and is still displayed in the *College Lecture Room* taking up College space, instead of being located in the Professor's house.

In connection with this, I subjoin an extract from a letter received by me while engaged in drawing up a list of the benefactors of the Museum. For the present I suppress the name of the sender, reserving it, as well as other letters, for a future necessity, should such arise :

State of the public collection compared with the Professor's private collection.

Donations never placed in College collections.

"I have to state that at various times I have sent to Dr. ———, for the College Museum, specimens of different minerals from the ——— of the ———, and I have instructed my workmen to preserve any fine samples of crystals for the same purpose."

No such specimens were found by me in the College collections, and the name of their donor was nowhere recorded, any more than the donations themselves.

The Philosophical and Astronomical apparatus belonging to the College had, I found, shared the neglect which had fallen on every other collection. Most of the instruments are so damaged as to be useless, while others could only be repaired in England at very great expense.

Now, My Lord and Gentlemen, what, I ask, can be thought of the authorities of a College and University in which such things are tolerated, not for a short time only but for a series of years? Especially when these authorities, with full knowledge of these facts, print, publish and assert to the world that "the revolving

False statements published for years by the Board of Governors.

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building erected to answer the purpose of an Observatory is found very serviceable, being well adapted for the instruments in use;" that "the Mechanical Apparatus is sufficient for exhibiting the principal laws of Statics and Dynamics," &c. ; that "the two instruments have been in constant use by the Professor," when all this is *not true*? When the instruments are nearly all broken and useless? When the Observatory is *never* used? What can be thought of the character of those authorities when year after year they publish the stereotyped repetition of these statements? When, with the knowledge that drunkenness, gambling, rioting, insubordination and disorder prevail among the students, they dare to say, "Within the walls of the College, too, 'prayer is made without ceasing,' twice each day, to *Him*, '*with-* (Cal. 1863-70) continuously.  
*out whom nothing is strong, nothing is holy*,' that his blessing may descend upon the teachers and the taught, and upon all entrusted with the government of the Institution. 'Hitherto,' for eighty-two years, 'the Lord hath helped us.' Let all outside friends unite in prayer to the same Divine Fountain of all saving wisdom, that it may be so to the end, and that King's College may continue to be a praise in our land from generation to generation?" My Lord and Gentlemen, I am neither a Bishop, nor an Archdeacon, nor a Reverend, but even though this is the language sanctioned and used by the dignitaries of our Church in reference to a College where the solemnity of Good Friday and the holiness of Easter Sunday were profaned by the undergraduates; even though this is the language they use of a Theological Seminary, the students in which have been seen in broad day reeling and cursing in their drunkenness through the streets of Windsor, I should fear to use it as it seems to me little, if at all, short of profanity.

Not the various collections alone have been allowed to go to ruin, but the building itself has been shamefully neglected. In laying a careful report on the state of the building, prepared by me on the 1st May, 1871, at the request of the Resident Governors, before them, I said :

"I must add that on my arrival here last January, I was both surprised and shocked at the appearance of the building, and the careful examination I made to-day confirmed and strengthened the feeling of dissatisfaction."

Profanity in  
the College  
Calendar.

The College  
buildings.

Report of 1st  
May, 1871.

In the body of the Report I said :

"The shingling has given way in one or two places ; consequently there is great leakage, which penetrates as far as the rooms on the first floor of the building. The open drain at the back is a serious nuisance, being a depot for refuse matter and dirt. The stench arising from the mass of foul matter heaped within and beside it, at the foot of the College wall, is often unbearable. From a sanitary point of view it must be considered as hurtful to the health of all persons residing in the building. The walls are covered with scribbled names, remarks and occasionally blasphemous expressions. In short, the state of these portions of the building is shameful."

Blasphemous  
expressions on  
the College  
walls.

And this, be it remembered, in a College where the Governors "do all that in them lies to secure attention to the most excellent of all knowledge, from those under their care."—(Cal. 1866.) Blasphemous expressions remaining for years on the walls of a College where "the daily course of studies is begun, continued, and ended with prayer to the Father of Light, accompanied by the reading of that Word, which maketh wise unto salvation."—(Cal. 1866.) Scurrilous remarks in the passage of a College where exist—I cannot say, which is governed by—"wholesome statutes to ensure 'temperance, soberness, and chastity' in all."—(Cal. 1866.) The end of the passage I quote is, in its way, so full of bitter irony, so fearfully cutting, that I transcribe it not with the hope of shaming those who give the lie to their own words, but to exhibit in connection with what I have already said, how much of truth there was in the promise of a "flourishing university and energetic colleagues." The passage may be found at page 10 of the Calendar for 1866, and ends thus: "The Faculty, whose duty it is to watch over the moral and religious, as well as secular training of the youth, *are solemnly charged to enforce these regulations.* So that *every precaution is taken*, by the governing Board, *for the welfare, present and eternal, of the inmates of the institution.* Moreover, the Governors, in their own monthly meetings, never proceed to business without first imploring the Divine assistance and blessing. Hoping for the continuance of that blessing in the future as in the past, *they commend the institution to the prayers and support of all who desire to see sound*

Hypocrisy in  
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*education and true religion flourish in our land."*  
Sound education! true religion, alas!

But, my Lord and Gentlemen, this is still but a small portion of the evil. How much more might I relate here! How much more fully detail many acts which, in spite of the position and influence of those who committed them, I must stigmatize as dishonest! Two subjects I might propose for enquiry to those of your Board who desire, as surely one or two must desire, to see truth and not falsehood triumphant; one, the examination of the minute-book of the Board of Discipline, the other the Williams Modern Languages Prize Examination papers of 1870. I reserve these points, however, with many more; I have to touch on other matters more immediately claiming attention.

Minutes of  
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pers for 1870.

On the 8th of May of last year, your Board appointed a committee consisting of two of the requisitionists (in the matter of the Visitation) viz: the Rev. T. Maynard, Rector of Windsor, and Professor Hind, the President of the College, the other Professors, with the exception of the then Professor of Mathematics, and the President of the Alumni. This committee was to inquire into and suggest reforms in the Constitution of the College, and was also to prepare for publication the new Calendar for 1871-72.

Committee on  
the Constitu-  
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This committee held thirteen meetings and worked laboriously to effect the end for which it had been appointed. Having to suggest means to raise funds for the College it had to acquaint itself with the particulars of every source of income, and this necessity led to my incurring still more than before the enmity of the President of the College, who had already honored me with it when I, convinced that I was right, proposed a new curriculum. The course I had all along adopted of abiding by the Statutes, my firm determination not to follow in the steps of my negligent colleagues, had increased and strengthened this enmity. Circumstances connected with a College Trust fund which your Committee had to investigate gained me the confirmation of this unworthy feeling.

Cause of the  
President's en-  
mity towards  
me.

The trust fund in question was that called "The McCawley Hebrew Prize Trust Fund." The prize had not been awarded for many years, and the natural

The McCawley  
Trust Fund.

inference was that there must be a large accumulation of monies in the hands of the S. P. G. Inquiries elicited the fact that all the accumulated Trust Funds [over \$700] had been drawn by the President of the College, and by him expended. The Visitor of the College was communicated with, and the following was his reply :

The Visitor on  
the McCawley  
Trust.

"The Bishop begs to inform the Committee on the Calendar that a full account of the McCawley Fund is to be found in any report of the S. P. G.

"In 1869 the interest, which is about £10 10s. stg. per annum, had accumulated, and the sum of £40 10s. was drawn by the President, but the Bishop is unable to say to what purpose it was devoted, and whether there was any examination or adjudication of a prize. As there is no provision for expending the money in books or in any other way, he presumes that the interest must be allowed to accumulate when no prize is given ; but as the Donor is still living, some modifications of the original intention of the gift may advantageously be made, by the mutual consent of the Governors and Donor.

"HALIFAX, June 8th, 1871."

President  
ceases to attend  
meetings of the  
Committee.

Another point which caused the President to become more and more my enemy, was my inquiring, as Secretary of the Committee, whether a letter addressed to the Rector of Windsor could be filed among the papers of the Committee without the address being altered. This produced an outburst of passion on the part of the President who preferred considering himself insulted to complying with ordinary business rules. This occurrence took place at the second meeting and was immediately followed by my resignation of the Secretaryship (a purely honorary though very laborious post). On the written request of the chairman who absolved me of all blame in the matter, I withdrew my resignation. The President ceased to attend the meetings and persistently ignored every communication from the committee, even though these were backed by the direct orders of the Board of Governors. This conduct on his part could not be construed into aught else than contempt of your Board and your Resolutions, and necessitated certain resolutions of the committee, all of which included in the minutes submitted to your Board, were approved by you.

Additional violations of the Statutes were revealed

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by your Committee. Chief among them was the neglect <sup>The Matricula, not a true Register of the members of the University.</sup> to keep the Matricula, that most important of all the College records. When it became necessary to print the correct list of the Members of the University, the President and Vice-President together had to make up, *from memory* and other sources, the deficiencies and errors in this document. They could not, therefore, nor could any one connected with the College, state on oath that the Matricula contains a full and true register of all the members of the University. This may prove most prejudicial, but whose the fault?

I should never be done were I to enumerate the unprecedented and unsuspected number of violations of Statutes, of neglects of duty, and of disregard of responsibility. Your Board has shown, by not inquiring into the violation of rules of which I have complained, that duty and honour are not to be, along with truth, the guiding principles of the government of the College, but that they are to yield to the necessity of sheltering dignitaries of the Church and men of position and influence. Alas ! that it should be so. That a College placed under the protection of the venerable and loved Church of England should thus be given over by men of authority to the dominion of perversity, falsehood, and neglect. That it should be said that the men who were earnest and self-disinterested in trying to rescue it from near impending ruin, should be attacked, beaten and defeated by those who have put away their duty from themselves and have not been true to their oath to maintain the dignity of their Institution.

What might this College not have become, if instead of stifling the voice of Truth, your Board had manfully accepted the position and set deliberately to work to do that which is right, regardless of personal feeling and interest. But it was not to be so. In vain have I, in vain have others too, whom your Board should be proud to number among you, striven to arrest King's College on its road to ruin, in vain have I spoken, and worked, and fought to obtain justice, not for myself, but for the youth of this land, for the great public *Trust* to which I belong. My eyes are forcibly opened to the sad reality. Can it be that the Governors of the College are powerless to effect any good change? Their President,

Are the Govern-  
ors powerless  
to do good?



in his three-fold capacity as Visitor, as President of the Board, as Bishop, not having fulfilled *his* duty and wielded arbitrary power, prefers to retain this power to setting himself as a Christian man, as a Christian Bishop, to the redemption of the University.

King's College is not the place where an honourable man, knowing what I know, can stay, when all hope of *real* reform is taken away. However painful the step, it must be taken and the connection which, under actual circumstances can profit neither the College nor myself, I must sever, but not without one last word of warning to the authorities, not without one last appeal to whatever sense of justice still remains to them. Your Board *must* act and act vigorously in the right direction if King's College is not to go down with shame and reproach.

Resignation of  
my Office.

I have said it, my duty now is to lay before you my resignation of the Professorship I hold here, I tender it now so that it may take effect on the 1st October, in this year, and in thus ceasing to be connected with the College, I must seize the opportunity of expressing my very warm and deep gratitude to those now or formerly of your body, who have not joined in the general persecution to which I have been subjected, who have devoted themselves to what, I fear, must be considered the hopeless task of restoring this College. To all of them therefore, I wish to pay the tribute of merited thanks and gratitude.

Proofs in the  
possession of  
the Board.

And again let me recall to your Board that the written official proofs of all I have stated as to the College are in the very room where you are now reading this letter. The facts contained in it are incontrovertible.

Reservation of  
all rights.

It is almost needless to state in conclusion that I reserve to myself the right of publishing this letter and any further communications should future events render them necessary.

I have the honour to be,  
My Lord and Gentlemen,  
Your obedient servant,

F. C. S. R. SUMICHRAST,  
*Professor of Modern Languages.*

[This letter was only received by the President of the Board of Governors on March 11th, a few minutes before their monthly meeting, marked "private—for the use of members of the Board only,"—and was sent to the newspapers a few days later by the writer. For Resolution in answer, see end of Appendix.]

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## FROM CORRESPONDENCE IN MORNING CHRONICLE.

KING'S COLLEGE, 30th March, 1872.

*To the Editor of the Morning Chronicle:*

SIR,—I append the correspondence between the Bishop and myself on the subject of my circular letter.

Pray remark that he takes no notice of the charge of violation of rules contained in the letter of Feb. 9th, addressed to the Board of Governors. The rules violated I have enumerated in the letter printed in the Windsor "Mail," a copy of which I forward for your information.

I hope that those of your contemporaries who have noticed my circular letter will kindly refer to this correspondence.

I have the honor to be,

Your obedient servant,

F. C. SUMICHRIST,

*Prof. M. L., King's College.*

NO. I.

HALIFAX, March 14th, 1872.

*Dear Sir,*—It would be sufficient to acknowledge receipt of your printed letter. (dated Feb. 24, but only received by second mail on the 11th inst.) and I don't intend to comment either upon its statements or its tone, to both of which grave exceptions are to be taken, but I have to ask by what right or *under whose authority* you, as Secretary of a College Committee, have printed a letter received by that Committee from me in June last. You cannot be ignorant that a Secretary is utterly without excuse who publishes documents received by him in that capacity, except by authority of the body for which he is acting in that capacity. You will see, therefore, that my question requires a definite answer.

With reference to your letter to the Board of Feb. 9th, the Governors could give you no answer, for your application was *wholly irregular*, and it was left to the President and Board of Discipline to deal with your statements. You insist very much upon observance of rules; you must know perfectly well that it was your duty, if pupils were irregular to punish them by literary "impositions" or tasks, and, if this did not suffice, then formally to bring them before the Board of Discipline, and not merely, as you said, speak to them and "mention" the irregularity at the Board.

The final resort in cases after every other resource has been exhausted,

is to the Board of Governors, which would be far exceeding its duty if it were to receive complaints such as you have made respecting your pupils. We certainly could not "admit" any charge of violation of rules which have never been specified, and by minutes of Board of Discipline it appears that you declined specifying even to your colleagues the rules which you allege to have been violated. So far as regards your letter of 9th ult., it was evident that you had yourself neglected the "rules," but we were left in ignorance of the nature of any other violation.

I am, sir, yours faithfully,

(Signed)

H. NOVA SCOTIA.

Prof. Sumichrast.

NO. II.

KING'S COLLEGE, 23rd March, 1872.

*My Lord*,—I beg to acknowledge receipt of your communication of date 14th inst., received by me on the 20th inst., at 11 p. m.

The right and authority by and under which I have published the letter addressed by you to the Committee on the Calendar and Constitution, on the subject of the McCawley Trust Fund, in June last, are the right and authority conferred by the necessity of vindicating truth. If anything could have strengthened and confirmed the assertion I made in my printed letter addressed to you and the Board of the Governors, that you were desirous of "sheltering dignitaries of the Church and men of position and influence," it would have been the step you have now taken. For what will the public think, my Lord, of your insisting on my appealing for authority to publish a condemning letter to a body of which the very person accused of tampering with Trust Funds was a member, as well as another, implicated in transactions of a scarcely less discreditable character, while a third was charged with having privately retained College property? When half the body is corrupt it is useless to ask it to allow the truth to be revealed. Moreover, your Lordship cannot be ignorant that I was an active member of the Committee, with power to vote, and that, had I chosen to ask that body to grant me authority to publish that letter, I have not the slightest doubt that in spite of the opposition of the implicated members, that authority would have been granted me, as, fortunately, there was a majority in favor of truth and openness as opposed to corrupt practices and reticence.

I trust your Lordship, having received the above "definite answer" to your question, will not be behindhand in answering the very grave and serious questions put by me. The matter your Lordship refers to is futile and unimportant to a degree when compared to the weighty charges it hangs from. It is not by taking exception to slight details that your Lordship or the Board can hope to bring the public to your side; it is by disproving the allegations I have made, and I confidently await your attempt to do so.

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As the matter is now before the public, I must inform your Lordship that I shall hold myself at liberty to publish every letter passing between us, including the communication to which this is a reply.

The latter part of your letter I shall have the honor of discussing in the public papers.

I have the honor to be, my Lord,

Your obedient servant,

(Signed)

F. C. SUMICHRAST.

NOVA SCOTIA.

The Right Revd. the Lord Bishop of Nova Scotia, President of the Board of Governors of King's College.

NO. III.

March, 1872.

HALIFAX, March 28th, 1872.

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Sir,—In answer to your letter received this morning, I have to inform you that you have entirely misunderstood the intention of my question of the 14th inst. I did not express an opinion as to the propriety of your publication of statements affecting the College, with which it is for the Board of Governors. and not for *me* individually, to deal, your letter being addressed to them. Neither did I object to the publication of the information contained in my letter of June 18th, 1871, which you could have obtained from the reports of the S. P. G., in the hands of the clergy, which it is therefore absurd to suppose that I should vainly endeavor to withhold from the public

The question actually raised by me is one of great importance, viz., whether a Committee is justified in publishing documents without the sanction of the body by which it has been appointed; and secondly, whether the Secretary may publish any letter or other document *in his possession as Secretary*, without the sanction of that Committee.

I am, Sir,

Yours faithfully,

(Signed)

H. NOVA SCOTIA.

Prof. Sumichrast.

NO. IV.

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KING'S COLLEGE, April 1, 1872.

*My Lord*,—I have the honor to acknowledge receipt of your communication of date March 28th.

If your Lordship intends to raise a new question in every letter, there is no doubt that misunderstandings will arise. You stated the issue altogether differently in your former letter; but even as now put, I can answer it.

Under ordinary circumstances there is no doubt that neither a committee, nor a Secretary of a committee, may publish documents without

the sanction of the body that appointed them. But the present are extraordinary circumstances, as Your Lordship very well knows, and as I could prove to everybody's satisfaction, were I to enter into an analysis of the Board of Governors. Besides, all the information in Your Lordship's letter is *not* to be found in any report of the S. P. G. I have not found in these reports any such decided expression of opinion as Your Lordship's letter contains.

I would also respectfully suggest that the question before the public in regard to my "publication of statements affecting the College" is less one of "*propriety*" than of *truth*. As soon as Your Lordship and the Board have convinced the public of the truth or untruth of the charges, the question of "*propriety*" may be discussed. Till the Board's answer comes, I think it may be left alone.

I have the honor to be,  
Yours, &c.,

(Signed)

F. C. SUMICHRAST.

The Right Reverend the Lord Bishop of Nova Scotia, President  
Board of Governors King's College.

APRIL 8th, 1872.

At a meeting of the Board of Governors, held this day, the following resolution was passed :

"*Resolved*, That the Associated Alumni be requested to nominate a Committee of five members of their Association, to meet at Windsor at the earliest possible date, and investigate all the charges contained in Professor Sumichrast's letter of February 24, against the Visitor, Governors, Officers, and Students of King's College ; having first given due notice to the said Professor of the time and place of meeting, in order that he may have the opportunity of attending and adducing evidence to substantiate the said charges ; and a similar notice having been given to the Governors and Officers of the College, that they may furnish such answers and explanations as they may think fit to offer."

In consequence of the foregoing Resolution, a special General Meeting of the Associated Alumni was held on 19th April, when the following Resolutions were passed :

1. *Resolved*, That a Committee of five (not necessarily from the Alumni) be appointed for the purpose mentioned in the resolution passed by the Board of Governors.

2. That the Provincial Government be requested to appoint two of their number, to meet three to be appointed by the Alumni, to proceed to Windsor

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SUMICHRAST.

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to investigate the charges made; and that they be informed that their expenses will be paid by the Board of Governors.

3. That the members to be appointed by the Alumni shall be the Hon. S. L. Shannon, Rev. John Storrs, and Captain Moody, with power to fill up their number, in case of a vacancy occurring.

APRIL 27th, 1872.

At a meeting of the Governors of King's College, Windsor, held yesterday, the following resolutions were passed and ordered to be published.

J. C. COCHRAN, M. A.,

*Sec'y to the Governors of King's College, Windsor.*

*Whereas*, Mr. F. C. Sumichrast, who is Professor of Modern Languages in King's College, Windsor, has, in a printed and published letter, dated the 24th of February, 1872, preferred certain charges against the Governors of that College, and against some of the College authorities; And, whereas—irrespectively of the pretensions of that gentleman to occupy the position of an accuser, which the Board does not acknowledge, and of the offensive tone of his letter, which, under other circumstances, would preclude its consideration—it is felt that a scandal has been raised by the mere publicity given to the charges that may prejudice the Institution; And whereas, the Supreme Governing Power of the College, sincerely desirous, by any legitimate means at its command, to dispel doubts that may be disturbing the minds of the friends of the Institution on the subject of this impeachment, nevertheless, without abandoning the duty of maintaining inviolate its official independence, cannot (although recognizing the controlling authority of the *Legislature*, and of the *Queen in her Supreme Court*) delegate to any foreign body the office of inquiring into such of those charges as respect the Governors of the College; and cannot, without humiliation, permit the mode in which they have performed their trusts to become the subject of question, merely on the accusation of a person occupying that relation to them in which this accuser stands; And whereas the Governors decline to consider such of those charges as are merely personal to Mr. Sumichrast, because an inquiry into them is not within the scope of their duties, and because in them the public has no interest.

*And Whereas*, The Associated Alumni, having considered a resolution passed by this Board at its last meeting, requesting them to select from their body a Committee to investigate Mr Sumichrast's charges, have declined to comply with that resolution, but have suggested to this Board the names of a Committee, not exclusively composed of that body—a suggestion to which this Board regrets that it cannot accede.

*And Whereas*, Abstracting from the charges in question such of them as concern Mr. Sumichrast alone, and those preferred against this Board, and against the Visitor, the charges that remain are resolvable into a general

charge of wilful or permissive violation of the Statutes of the University, of which the sanction is by one of them especially entrusted to the Visitor.

*Resolved*, Therefore, having regard to the particular Statute last referred to, that, as the only means at the command of the Board for attaining its object in relation to the public, his Lordship the Visitor be respectfully requested, associating to himself the gentlemen hereafter named as his assessors and assistants, to take such steps as may seem to him expedient in order to investigate all the matters of charge combined in Mr. Sumichrast's letter, with the exception of those which have mere personal reference to that gentleman, and of those which are preferred either against the "Visitor," or against "the Board of Governors."

*Resolved*, That it is the opinion of this Board that the investigation contemplated by the preceding resolution should be instituted immediately, and be thorough in its character, with every facility afforded to the accuser to substantiate his charges, and to the accused to establish their defences, that the inquiry should be conducted with the accessories of a reporter and a clerk, and that the result, together with all the evidence, should be laid before the Board, in order that it may be accessible to the Provincial Government, to the members of both Houses of the Legislature, and to all persons interested in the University.

*Resolved*, That the Board, in suggesting to the Visitor those whom it would recommend to him as his Assessors, gladly avails itself of the names of the Hon. S. L. Shannon and the Rev. John Storrs, shown to possess the confidence of the Alumni, by the fact of their having been selected at the last special meeting of that body, with the added recommendation of the Hon. Attorney-General Smith, P. C. Hill, Peter Lynch, and M. H. Richey, Esqs., also members of the Associated Alumni, requesting him to nominate as his Assessors those of the above-named gentlemen who may be able to accompany and sit with him at Windsor at an early day.

#### NOTICE OF VISITATION BY THE VISITOR.

HIBBERT, by Divine Permission Bishop of Nova Scotia,

To the President, Professors, Students, and other Members of King's College, Windsor,—Greeting.

*Whereas*, It has been publicly alleged that many of the Statutes of King's College are commonly violated, and that some of the Officers of the said College habitually neglect their duties; and whereas, the Governors of the said College have requested us, in the exercise of our authority as Visitor thereof, to enquire into the present condition of the College and University;

Now, We, Hibbert, Lord Bishop of Nova Scotia, and Visitor of the University of King's College, do hereby give you notice that we purpose holding a Visitation, with the assistance of certain Assessors, in the new Hall of the said College, on Monday, May 6,

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at one o'clock in the afternoon. And we require you, the President and all other Officers and Resident Members of the said College and University, to be ready to attend whensoever you, or any of you, shall be summoned to appear before us, in the course of the said Visitation, to be examined touching any matter relating to the said College and University, or the members thereof.

Dated at Halifax, this Thirtieth Day of April, in the Year of Our Lord 1872.

(Sgd)

H. NOVA SCOTIA.

[L.S.]

HALIFAX, MAY 2, 1872.

*Sir*,—The Lord Bishop having announced his intention to hold a Visitation of King's College on Monday, 6th inst., at noon, I am directed by His Lordship to require you to be in attendance in the new Hall of the said College on the day, and at the hour, above named, then and there to adduce your evidence in support of the charges which you have preferred against the President, Professors, and members of the said College, and to answer, according to your knowledge and belief, such interrogatories as may be put to you, touching any matters, whatsoever, relating to the University and College, or any of its Officers or Members.

I am, &c.,

C. B. BULLOCK,

*Registrar of the Diocese of Nova Scotia.*

Sz. R. SUMICHRASST, Esq., Prof. of Mod. Languages.

## SECOND NOTICE.

MAY 7th, 1872.

*Sir*,—In reference to the summons addressed to you by the Visitor, I am desired by his Lordship to give you notice that with the concurrence of his Assessors, he purposes to proceed at one o'clock this afternoon, to an examination, touching your behaviour in your offices of Professor and Librarian, and to require you to attend in the College Hall, at the said hour of this 7th day of May, 1872.

I am, &c.,

MAYNARD BOWMAN,

*Secretary of the Visitation.*

Sz. R. SUMICHRASST, Esq., Prof. of Mod. Languages.



# REPORT

## OF THE

### VISITOR OF KING'S COLLEGE,

Presented to the Governors of King's College.

MAY 21, 1872.

In consequence of my absence from the city, I have been unable to examine very carefully the report of my Assessors; but I am happy to be able to express my entire concurrence with its tenor as far as I have been able to gather it from a cursory inspection; and I submit it for your consideration, together with the evidence upon which it is based, and some further observations from myself.

The charges published by Professor Sumichrast, in his letter of Feb. 24, having been directed against the Governors, as well as against the Executive of the College, I could not take cognizance of them, until you had resolved (after the failure of your reference to the Associated Alumni) to separate them, and to request me, as Visitor, to investigate those which had relation to the resident authorities and members of the College. Being thus free to execute the duties of my office as Visitor (under the Act of Incorporation and the Statutes of the University), I determined to enquire, as fully as possible, into all the statements that have lately been circulated, to the detriment of the College, the extent of the enquiry being only restricted by the limits of the time which the gentlemen, who kindly acted as Assessors, might be able to devote to this matter.

Accordingly I nominated the Honorable the Attorney General, Rev. J. Storrs, Matthew H. Richey, and John Rutherford, Esquires,—of whom the first three took their seats with me, at the opening of the enquiry, and the last named assisted on the second day; and the thanks of all persons interested in this investigation are due to those gentlemen, for their valuable services, given at considerable inconvenience to themselves.

Due notice had been given of my intended Visitation, and all persons resident in the College had been required to be in attendance,—and Prof. Sumichrast was especially summoned, to adduce his evidence in support of his charges preferred against the President, Professors, and Members of the College. and to answer, according to his knowledge and belief, such interrogatories as might be put to him, touching any matters, whatsoever, relating to the University and College, or any of its officers, or members. I opened the enquiry by stating that I was acting as Visitor, under the authority of the University Statutes, to which I referred, and was prepared to receive and to investigate all charges or complaints that might be preferred, against any of the officers of the University and College, or with reference to their manage-



ment in any respect ; and I then asked Professor Sumichrast whether he had prepared his charges in a form that would be convenient for examination. He then read a printed protest (for which I refer you to the record of proceedings), containing objections to the action of your Board, but not at all affecting the competency of the Visitor to require his attendance, and to proceed with the proposed investigation. He was then informed that it would not be admitted, and was required to obey the Statute, by remaining to be examined ; and he deliberately and contumaciously said, " I refuse to be examined," and, notwithstanding our remonstrances withdrew,—thus setting perversely at nought the Statute and the authority of the Visitor, in the presence of several undergraduates of the College, setting a most pernicious example of insubordination. Upon this conduct it is impossible to animadvert too strongly, for it is intolerable that a man, in any position, and under any circumstances, should publish charges of a very grave character, and then absolutely refuse, when called upon, to attempt to substantiate them. That a Professor of a College should thus assail the Institution in which he is employed, and the welfare of which he is bound to promote, is an aggravated crime. I was so well aware of the character of his assertions, and thought it so improbable that he would submit them to the ordeal of any investigation, in which he could be questioned, and their false exaggerations would be exposed, that I was not surprised at his refusal to be examined ; but this refusal must be regarded by every one as an admission of his guilt, in circulating statements which he could not attempt to prove. If he had been honest in his proclamation of his anxiety for the removal of evils, really supposed by him to affect the reputation of the College, he would gladly have availed himself of *any* opportunity, and would have adduced his evidence before any committee appointed to receive it. But to refuse, when summoned, to appear before the tribunal specially constituted by law, for the investigation of all such charges as those preferred by him, is an offence that can neither be justified nor palliated ; and I think that any persons who, knowing of this action on *his* part, pay the slightest attention to any further statement that he may make, may safely be left to enjoy the fruits of their own credulity. It will be remembered, moreover, that when the Governors referred the whole matter to the Alumni, Mr. Sumichrast published a letter to show that a Committee of that body *could not* be a satisfactory tribunal, as he very naturally prefers writing exparte statements, to which he may well believe that no one will condescend to reply. His own duty, on this occasion, was perfectly plain, whatever yours may have been ; and if it were shown that you ought to have adopted some other course, he would not have been released from his obligation to obey the summons of the Visitor.

We hoped to have received from Mr. Sumichrast a formal statement of charges, and in default of *this*, we could not pretend to collect them all, since he has been constantly adding to them in various publications, but we took his letter and sundry new items contained in his printed protest, handed to us on the first morning of the enquiry. The so-called protest requires no comment, as the Visitor's jurisdiction is unquestionable, and you can all form your own opinion of the manner in which your servant assumes authority to teach you your duty, and of the utter irrelevancy of many of his statements.

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You may well ask, who is this, who so confidently gives judgement that you are "responsible to the Alumni," and "bound to carry out their views," and who undertakes to determine "the true meaning and intention of the Royal Charter," and assumes to be so well versed in the powers and duties of the Visitor and his Assessors? This gentleman, in fact, has arrogated to himself, throughout, a superiority over all persons connected with the College, which may appear simply ludicrous to *us*, but must have been very galling to those who have been immediately in contact with him at the College,—where he has presumed, moreover, to interfere with his colleagues, and to give his opinions, as though he were an infallible authority upon subjects, of which they believe him to be profoundly ignorant. Thus, the peace and harmony of the College have been destroyed, and such confusion and irregularity have been introduced, that the efficiency of the officers and the progress of the students have been seriously affected. And it is to be noted that, whereas other Professors have been content to labor for the benefit of the College, for which they have been engaged, *his* object has been avowedly (see his letter) to acquire distinction for *himself*, and we may fairly infer, from his own words, that finding his position less conspicuous than he had expected it to be, that, as he says, "it was burying one's self alive," he has recklessly attempted to obtain distinction as a radical reformer, setting up men of straw, in the hope that persons at a distance, unable to discern their true character, would admire the boldness and disinterestedness with which he assailed and overthrew the monsters who were devastating the College.

I may here remind you that, after his letter had been read on March 11th, one of your Board remarked that, whether it were true or not, its writer could not beneficially remain in the College, and proposed that we should give him *six* months salary and let him go away, on condition that all copies of the letter should be destroyed. Upon the refusal of the Governors to entertain any such proposal, the letter, which had been marked private, was immediately sent to the newspaper offices.

Reference has been frequently made, in the letter and in the newspapers, to complaints laid before the Visitor last year, by Messrs. Maynard, Ambrose, and Hind, and it is to be noted that Mr. Ambrose admits unreservedly, in a letter addressed to myself, as Visitor, that he signed the requisition, relying upon the accuracy of the other *two* Governors, without any knowledge of the truth or falsehood of the statements therein contained. You will learn from the evidence that Mr. Maynard regards my report of the proceedings at the Visitation, held at their request, as perfectly satisfactory; and as that report has been copied from your minutes and published, (although without your permission,) I may refer you to it. You can judge for yourselves how far it was proved that "the Statutes were violated in *ten material points*," or that "the discipline of the College was allowed to be of no effect." And I especially request you to observe that NOT ONE SINGLE VIOLATION OF THE STATUTES, by any of the officers, except Professor Sumichrast, HAS BEEN PROVED BEFORE US, BEYOND THOSE WHICH WERE THEN REPORTED, AND WITH RESPECT TO WHICH ACTION WAS TAKEN BY THE VISITOR, nearly a year before the publication of Mr. Sumichrast's letter. Even at *that* time, the violations of Statutes were rather technical than "material." The Vice-President had not been re-nominated *annually*, but he continued in office, and was not less

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responsible for the discipline of the College than if the appointment had been renewed each year. No Proctor had been appointed, since the Statutes were framed, because it had been deemed more beneficial, while the number of students was small, to hold the Tutors responsible for the repression of any disorderly conduct that they might happen to witness outside of the College.

It was admitted that the Matricula had not been regularly filled up; but the omission was of particulars which are not essential, and there is no ground for the supposition that there is reason for questioning the date of Matriculation of any student, entered since the beginning of the irregularity in 1862.

The declarations upon taking office had not been signed by the President and Professors; but I must demur to the strange doctrine, that "they were therefore without responsibility," and I hope that it may not be supposed to be in accordance with the ethical teaching recognized in our College, notwithstanding that it is unhappily endorsed by the signatures of two clergymen.

The Bursar had been incapacitated by illness for the performance of his duties with respect to the buildings, (and particularly the Hall, being the most distant part,) but as you have been made painfully aware, by the constant demand upon your funds, the condition of the Hall, when handed over to us by the Alumni, was so imperfect and faulty that no vigilance could prevent the appearance of a continuous series of defects. The state of the building was very bad for a considerable time, because every gale broke the windows, or otherwise damaged it, and we were unable all at once to find money to render the building serviceable, for the purposes for which it was presented to us. We have, however, now expended a large sum of money upon it, and *many months* before the publication of the Professor's letter, viz.: at the last Encenia, this description of it was published by a visitor: "The beautiful appearance of the Hall, the perfect arrangement of the Library and Museum, elicited universal admiration."

The "suppressio veri" and "suggestio falsi" are freely used throughout his letter, for he gives no hint of the difficulties in which the Governors were involved, by the dishonesty or incompetence of the contractor who erected the Hall, and leaves the impression upon the mind of the readers of his letter, that he is describing an actually existing state of things, whereas even *he* would admit, if questioned, that there is no foundation for such a description at the present time. This remark applies both to the Library and the Museum, and in short generally to *all* the matters to which he refers. A special payment of \$200 had been voted to him for arranging the Library and preparing a new Catalogue.

When Mr. Sumichrast arrived here the Library was in a transition state; and after more than half of the books had been transferred to the new building the removal was stopped, in consequence of its defects; and hence the apparent confusion which, under the circumstances, was quite unavoidable, and with respect to which I refer you to the late Librarian's explanations, and to your own resolution testifying your appreciation of his services.

With respect to the Museum you have a special report from Mr. Rutherford, chosen as one of my assessors, in consequence of his familiarity with specimens, &c. Professor How enjoys a reputation that cannot be injured by such malicious insinuations as those of which he has been made the object. Even without any pretension to science, we can see that the College is benefitted by his practice of using his own specimens to illustrate

his lectures, instead of taking what are required from the Museum. His thorough refutation of the charges is submitted to you in the evidence.

It was clearly proved that the apparatus and instruments generally are very far from being in the condition represented, and it rather appears that, considering the long time during which many of them have been in use, and the want of sufficient space for them in the old crowded room, they are in a remarkably good condition. You have evidence respecting them, which is perfectly satisfactory, the disorder mentioned being probably attributable to the neglect of the late Professor of Mathematics, who was but a short time with us, and whose departure was partly owing to his unwillingness to give proper attention to this department. Professor Sumichrast himself admitted that he should have said "many," rather than "most," of the instruments are so damaged, &c. In fact his language throughout is, to say the least, so colored and exaggerated as to be what is commonly called "sensational."

With reference to the character and conduct of the students, I may remind you that, immediately after the publication of his letter to us, the Professor published his testimony to the excellent behaviour of the students for two terms; and this was corroborated by several witnesses, while all who gave evidence before us positively denied that, at any time within their knowledge, it could be truly said that "drunkenness, gambling, &c., prevail among the students." You will learn also, from the evidence, that while there were some cases of intoxication on the day of the last election, no one was found to testify that there had been any noise or cursing in the streets; but having regard to the temptations to which young men must be exposed at the time of an election, I recommend you to order that no student shall go into the town on the day of a Parliamentary election. These paragraphs on the lower part of the 3rd page are, in fact, as I have said, highly sensational, and no man who could write them, and send them forth as true descriptions, can be fit to be entrusted with the education or care of youth.

The whole truth appears to be that, at various periods of its history, there have been some disorderly students in the College, as there are in every College and school; but there is sufficient evidence that every effort has been made to restrain them, and to lead them to better courses, and when they have proved themselves incorrigible they have been removed. This is, in my judgment, the proper mode of treating such cases, and I am persuaded that the immediate adoption of harsher measures would be unfair to the students, and would be condemned by their parents, and by the public. The tree is known by its fruits, and the reputation enjoyed by the College, and the character and success in life of many of her Alumni, are the best testimony to the merits of our system, and the ability of our Professors. And it may be safely affirmed, so far as I can judge, from information received, and from my own twenty years' acquaintance, that there has never been less reason for such charges as have been lately preferred, than at the present time. Prof. Sumichrast must be entirely ignorant of the habits of men and boys throughout the world, if he imagines that a College or school building can be kept free from scribbling; but you will be satisfied, on reference to the report, printed with the evidence that there is a remarkable absence of language worthy of serious condemnation, and I have reliable evidence that our College contrasts most favorably with some others in this respect. I believe that

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much injury was done to the College, a year or two ago, by a few students, who introduced the reprehensible practice of annoying freshmen, but very determined measures were adopted to put a stop to it, and one youth who appeared determined to continue the practice, was soon removed, and the evil was effectually checked.

The freedom of ingress and egress at night *has always existed*, and was the same when the College was most flourishing as it is now, being unavoidable with the present construction of the building; and Professor Hind and the Committee appear to regard the erection of a cloister, which will enable the authorities to close all the doors except one, at night, as the one sufficient remedy for all irregularity on the part of the students. I fear that its advantages will not equal their expectations, but it may be tried; and indeed it was understood that you would long since have erected it, if you had not been called upon for such large contributions towards the completion of the new Hall. It is very well for those who are unacquainted with the state of our funds, to complain because this or that is not done, but it should be made known, in vindication of ourselves, and of the President and Bursar, that they have frequently represented to us the need for repairs and improvements, which we have been obliged, most reluctantly, to decline to authorize, in consequence of our poverty,—one member of our Board having, more particularly opposed all expenditure beyond our ascertained income, and having, by his judicious warning, induced us to refuse compliance with applications, which would have involved an increase in our debts. The Bursar stated that he had supposed himself to have been deprived of the charge of the buildings, in consequence of the appointment of Professor Sumichrast to report upon them last year, instead of himself, and the appointment of the resident Governors as a Committee to make certain improvements. This was a misapprehension; but it was perhaps natural, considering all the circumstances of the case, and accounts for the absence of any representation from him of late. I have here to observe that the employment of Professor Sumichrast to make that report, and also to take stock of Professor How's department, by the resident Governors, *was very injudicious*, and could not fail to awaken jealousy, and to wound the feelings of the old officers of the College, and that any want of co-operation on the part of those officers with the new Committee on the Constitution and Calendar, is attributable, in a great measure, to the manner in which this stranger was put forward by the resident Governors, while his crude opinions were treated with a deference not accorded to the maturer judgment of those whose long experience had enabled them to understand the requirements of this country.

The absence of the President from the meetings of the Committee, was due to the insolence of this Professor, as divulged in his own letter, and although it is much to be regretted that the President did not adopt the more dignified course of ignoring the insult to which he had, he considered, been subjected, we cannot be surprised that, after presiding thirty-five years over the College, with marked success, he could not endure the position in which it appeared probable that he would be placed in attending those meetings. The College sustained a loss, by the absence of the person best qualified to modify the theories of those who had much less experience than himself, but, having due regard to the feelings of a gentleman of his high character and

merits, we must attribute the loss sustained rather to the immediate cause of his absence than to himself.

The object of some parties has evidently been the removal of the President ; and we need not enquire as to their ulterior designs, but they have certainly endeavored, by manifold annoyances and misrepresentations so to harrass him as to compel him to resign. But it is our bounden duty, to regard his meritorious conduct for a long series of years, during which many changes have taken place, and the College has passed through many vicissitudes. He has now been engaged in tuition for exactly 50 years (14 in Fredericton and 36 in Windsor), and would doubtless gladly retire and rest from his arduous duties, if a sufficient provision could be secured for him. But he is far from being disqualified by age for the efficient performance of his duties, and the evidence has proved that he is admirably qualified for the office which he fills. It is no easy matter to combine the "suaviter in modo" with the "fortiter in re," in just proportions at all times, but he appears to have been more than ordinarily successful in this respect, in dealing with the students, treating them with the delicacy and consideration characteristic of a true gentleman, and most likely to command the respect and secure the attention of a body of undergraduates. He is well known to be an elegant scholar, and a superior linguist, and although you might find in a younger man greater bodily activity and energy, you are not likely to obtain his equal in learning and other qualities, such as discretion, courtesy, and christian character, which are at the least of equal importance.

The charge of embezzlement of the proceeds of the McCawley Hebrew Prize Fund, is fully answered in the evidence in your hands, with which I will not now detain you, as it is evident that the arrangements connected with it were made between Dr. McCawley and the S. P. G., and that it is not under our control.

Mr. Sumichrast has assumed, because I have not informed *him* of all my acts, that I have neglected my duty as Visitor ; but I need hardly assure *you* that communications have been constantly passing between myself, as Visitor, and the President, respecting the discipline of the College and the interests of the students, and I have seldom visited Windsor without addressing them officially in the College Chapel. That I have not insisted upon the literal enforcement of *every* regulation, I freely admit ; and I say, further, that it would be very injudicious to do so. Mr. Sumichrast, in my opinion, is utterly wrong with respect to the intention of our rules, which are to be esteemed, not on their own account, but only so far as they conduce to the welfare of the students, for whose benefit the institution is established and maintained. He has altogether misapprehended the position of the Governors, who are a legislative as well as an executive body, and in fact appear to be at liberty, at their own discretion, without any particular form of proceeding, to alter or suspend the Statutes and regulations of the College ; and the old Statutes contain the following provision : "If any doubts, differences, or difficulties, shall arise, respecting the true meaning, purpose, or application, of any of those Statutes, the Governors *alone*, or the major part of them, shall have power and authority to interpret, explain, and declare their intention therein, and of deciding and determining all such doubts, difficulties, and differences." Where you have to deal with a *large* body of young men a

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strictness of discipline may be necessary, which may beneficially be modified where the numbers are so small that they may well be treated as members of a family. If you think fit to insist upon the literal observance of *all* your regulations, the officers of the College are of course bound strictly to enforce them, as they may from time to time be interpreted or enjoined by *us*, but it is unquestionably your privilege, as well as your duty, to determine their interpretation, and to modify their application, according to the varying circumstances of the College. I have had some little experience as a resident fellow and Tutor of my College, and therefore I speak with confidence, as one who is not ignorant of the best mode of dealing with a body of students.

Of the Curriculum "elaborated" by Mr. Sumichrast, I believe that the other Professors are quite willing to let him have the full credit, as it is quite impracticable with the present resources of the College, and under the circumstances of this country ; and all that was good in it was contained in a scheme proposed by them before his arrival. If I am not mistaken, the present scheme was *not* adopted either "in the teeth of a strong opposition on the part of the President," or with any "decided approval on the part of our Board." But we, having appointed a Committee, thought that we ought to allow a fair trial to the scheme prepared by them, and the President always expressed his readiness to assist in working out whatever the Board might think fit to adopt. One would suppose, from Mr. Sumichrast's statements, that we had been all asleep until *he* came to infuse animation and vigor, but we have been alive to the necessity of change from time to time, and many modifications have been introduced, as they appeared to be required, although we have not thought it necessary to decry or abuse our predecessors, in order to magnify ourselves.

Doubts have been suggested as to the validity of our Degrees, but no graduate need be alarmed, for the several prescribed forms have always been strictly observed. The Vice President is not directly named in connection with them, and in case of illness or absence the signature of the acting Vice-President must be accepted, as sufficient to certify that the exercises have been duly performed ; and, notwithstanding some defects in the Matricula, there has always been sufficient evidence of the standing of each candidate for a Degree. Moreover, as I believe, the action of the House of Convocation, in conferring the Degree, would be regarded by any other Convocation, and by every Tribunal, as *conclusive* evidence that all the preliminary conditions had been properly fulfilled.

Much stress having been laid upon the paucity of students, as indicating some defect in the management of the College, I endeavored to ascertain whether any probable cause could be assigned for the falling off in the number of matriculations. But, as you will learn from the evidence, I was not very successful. I believe, however, that the Vice-President suggested one of the true reasons when he stated that the resuscitation of Dalhousie College in 1863 has tended to reduce the number of students at Windsor, being situated in the City, and attracting to itself *all* medical students. He also explained the diminution of Divinity students, and I need only add that with respect to *them*, the differences of opinion unhappily existing in the Church, have probably been injurious, although the Professor of Theology may fairly assume that, as each party charges him with a leaning towards the other, he is probably not far from a "happy mean."



Having spoken of the Professor, who has been charged with neglect of his duty as Bursar and Librarian, I am bound to remind you that Dr. Hensley has been, from the time of his Matriculation, 28 years ago, one of our most able and highly valued members. He has been in all respects a credit to the College, as one of our Alumni, and from the date of his appointment to office in 1854 until he was visited with severe sickness, one of our most energetic and useful officers, supplying, most beneficially, from time to time, the places of others whose offices were vacant, and I believe that his illness was partly caused by overwork. We, of course, suffered from the interruption of his labours, and, if the means had been at our disposal, we should doubtless have endeavored to procure an assistant; but we should have rendered ourselves justly liable to censure, and would have incurred the righteous indignation of the public, if we had removed, or if we had not treated with the most favorable consideration, a man so universally esteemed, and to whom we were so much indebted. We cannot but sympathize with him under his affliction, understanding how much he must have felt aggrieved by the charges of wilful negligence, and the aspersions most unfairly and ungenerously cast upon him by this young man,—a stranger in the Province—while his own long and faithful services were entirely ignored. I am happy to inform you that he is now very much better, and, having been relieved of some of his most burdensome duties, is able to instruct his pupils, as Professor of Pastoral Theology, as efficiently as before his illness.

With respect to the new Professor of Mathematics, Mr. Oram, I am happy to say that the evidence was altogether favorable, and that he appears likely to be a very active and efficient officer. In short, I think it may be affirmed that if a suitable person can be found to fill the place vacated by Professor Sumichrast, the College, both in its officers and its students, will be in as good condition as it has ever been, and that parents may, with perfect confidence, send their sons to Windsor to be educated, and to compete for a share of the Scholarships and Prizes to be obtained there.

I have not, in this report, alluded to Mr. Sumichrast's complaint that he was deceived by the agent of the Governors, because *your* conduct was not the subject of my enquiry; but even *this* matter was introduced in connection with the enquiry concerning his extravagant mode of living, and his numerous debts, (still unpaid,) suggested by the statements of the late Steward; and you will find some information respecting it in the report of the evidence, to which I will only add, that he appears scarcely to do justice to his own shrewdness and knowledge of the world, when he pleads that he did not discover the fallacy of his expectations, until after he had incurred these heavy debts.

In conclusion, I have to observe that, while the "unprecedented and unsuspected number of violations of Statutes," &c., are falsely alleged, being entirely unproved, there *is* evidence that he has himself been guilty of many acts of insubordination and violation, or neglect, of the Statutes and regulations of the College. The charge of attempting to ingratiate himself with the students, by stating that he would not be a strict disciplinarian, is very serious, and his explanation does not appear altogether satisfactory. I have, moreover, reason to believe that he contrasts very unfavorably with his predecessors, as a teacher of modern languages; and that the students are likely to gain, in this respect as in many others, by the substitution of some other person as Professor in his stead.

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## ASSESSORS' REPORT.

*To the Right Reverend, the Lord Bishop of Nova Scotia, Visitor of King's College :*

The undersigned, Assessors at a Visitation of King's College, held by your Lordship at Windsor, on Monday and Tuesday, the 6th and 7th days of May, 1872, present, in compliance with your request, our opinion upon the several matters into which enquiry was had.

Some difficulty was felt by us, in approaching an investigation, instituted in consequence of certain grave charges preferred by one of the Professors of the University, and made public by a printed letter, when we found, upon the opening of your Court, that the Professor denied its jurisdiction, and having presented his protest, declined to appear as an accuser, and to furnish in convenient form for orderly trial, a specification of his complaints, and further, even positively refused, upon your requirement, under authority of Statutes of the University, to submit himself for examination. Your Lordship having, notwithstanding this refusal, determined to proceed, by summoning before you all connected with the University, and interrogating them fully, in reference to their respective departments and the general management of the College, and especially in relation to all matters referred to by Professor Sumichrast, whether in his published letter or in his protest, at the same time affording to all persons who might desire it opportunity to make statements and produce proofs as to the state of the College; we heard attentively all that was submitted, and as two of the witnesses on whose testimony Professor Sumichrast, by published correspondence, showed that he relied, were present throughout the enquiry, and the Professor himself upon the second day, in answer to a further summons, in reference to his own particular department, appeared, and, acknowledging your evident desire to prosecute a thorough and impartial investigation, expressed willingness to assist in it, though without waiver of the protest he had entered, we think that we are justified in believing that we have received all the information that, under any circumstances, could have been obtained.

We have examined the minutes of evidence, as taken by the official reporter, and finding them to agree with our own recollection and notes of the facts as proved, pronounce the report correct.

The general impression produced upon our minds by the evidence was that the complaints, in the sweeping form in which they were presented in the letter, which we were called upon to consider, were unsustained; and that many of the statements made by the Professor must have originated in erroneous information, which the testimony afforded to us could not fail to correct.

From their comprehensive generality, and the confused way in which they are scattered through the letter, it is difficult for us to deal with the charges in detail. We endeavor, however, to report upon them as far as we are able.

The President is charged with neglecting to require from Professors, upon their taking office, the declaration provided by the Statutes, and it is alleged that, in consequence of this neglect, a Professor who has not taken it, cannot be held responsible for any irregularities. The evidence of the President shows that the declaration is believed to have fallen into disuse from an early period. None was required from him on his appointment in 1836, and he had not adverted to the necessity of its being administered to others, until attention was called to it at your Lordship's last Visitation. The President admits a recent case of neglect where the declaration was not taken by a Professor until three months after his appointment. The declaration is as follows :

"I, A. B., do solemnly declare that I will perform all the duties of the office of \_\_\_\_\_, to which I am appointed, according to the Statutes of the University of King's College, at Windsor, to the best of my judgment and abilities."

We cannot concur in the view that in the absence of such a declaration, a Professor is not responsible for irregularities.

Irregular conduct is attributed to the President in dealing with the "McCawley Trust Fund," which, it is alleged, is an "absolute gift to the College, as can easily be proved by official records, and which is unfettered by any condition permitting the donor to appropriate the interest when the prize is not given." The whole evidence upon this point, in our opinion, controverted the statement. The record produced showed that one hundred pounds sterling had been subscribed by the Rev. Dr. McCawley (the President) to be administered by the "Society for the Propagation of the Gospel." Dr. McCawley's statement, submitted in writing, and filed, explained that there existed an understanding with the Society, that the specified object of the contribution was the foundation of a Hebrew Prize, and that in years when there was no qualified candidate the donor should be at liberty to expend the income for other purposes beneficial to the College. This explanation was found to be consistent with the entry in the published reports of the Society, and the President declared that the interest of the Fund had, when not drawn for the Prize, or suffered to accumulate for addition to the principal, been sacredly devoted, as originally proposed by him. The statement thus made, was not questioned; and no proof was tendered, of any misappropriation.

The President is further charged, in common with the Vice-President and Proctor, as failing in the maintenance of discipline,—the two latter, it is said, because they were not appointed. Both President and Vice-President clearly and explicitly testified to their vigilance and exertions in the maintenance of discipline. Proof of neglect was not established, and we think it proved that both are fully alive to the responsibility that rests upon them, and that discipline is maintained with discretion. The

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great point rested upon was the impossibility of enforcing the rule with regard to students being absent after 9.30 p.m., in consequence of the faulty construction of the building. But when this was fully shown it did not appear that, in fact, many notorious breaches of the rule occurred, and it did appear that the President and Vice-President adopted such precautions as seemed to them best adapted to prevent their occurrence, and that punishment was inflicted in such cases as became known.

The non-election of the Vice-President annually was explained on the ground that Professor Hensley's original appointment to that office was treated as continuing, and that a Statute provided that in case of non-election to the office of Vice-President the senior Professor (which Dr. Hensley was) should discharge the duties of the office. We do not find any justification for the statement that in consequence of the omission to appoint the Vice-President annually, the degrees conferred through the past sixteen years are invalid.

The appointment of a Proctor appears to have been disregarded until your Lordship's last Visitation, when, for the most part, the omissions to which our attention has been directed, were rectified, and do not seem to come justly within the scope of a subsequent inquiry.

The President is referred to as having acted improperly, in securing the coming to him of all money paid to the Steward, by the students, for several months in advance, while the President was perfectly aware that this officer was already several thousand dollars in debt, and could not pay for any goods he obtained. This knowledge was not shown to exist on the part of the President, and the loan referred to was proved to have been made to the Steward for the express purpose of relieving him from embarrassment, upon the supposition of the President, from the representation of the Steward, that it would be adequate. In consideration of this advance, the President received from the Steward an order on the Bursar for moneys that might be payable to him. We do not deem the transaction as evincing any disposition on the part of the President to act unjustly.

It would also seem to be intended to implicate the President as guilty of irregular procedure in reference to the examination papers, in German, for the Williams Prize, in Modern Languages for 1870,—having been prepared by the President of the College, and the report on the answers to it, signed by the supposed examiner, as may be seen in the Calendar for 1870, without actual examination of the papers by the examiner so certifying.

As to the fact of the examination of the papers by the Examiner who signed the report, there is a conflict between his statement, in writing, to Dr. McCawley, and that made by Professor Sumichrast, corroborated by two former Governors of the College, which led us to regret that the examiner referred to was not present at the inquiry, as, if a difference in assertion so decided can be shown to arise from misapprehension, it is very desirable that the misapprehension should be removed. It does not, however, involve Dr. McCawley, as he regularly transmitted the papers to the Examiner, and received them back from him with the report as published in the Calendar.

Reference is made, in the letter submitted to us, to a charge of violation of Statutes made by three Governors, As a Visitation was thereupon held,\* and both its cause and its results stated by two of the Governors referred to who were present. (the third not having been able to reach Windsor), as perfectly satisfactory, we do not feel that this Court should be required to re-open matters which have been previously and fully disposed of.

So far, however, as evidence was given we may report our conclusions as follows: The state of the Library and Museum in the main building was formerly very unsatisfactory, owing to want of room, and there appears to have been ground for stating that some time back the various collections and scientific apparatus were not particularly cared for. In the new building, erected expressly for their accommodation, the Library and Museum appear to us to be arranged in an orderly and attractive manner. As our co-Assessor, Mr. Rutherford, is preparing a separate report upon these branches of the inquiry, with which he is better qualified to deal, we need not enter further upon them.

Professor How is reflected upon, in the letter from Prof. Sumichrast, as appropriating to his own use donations made to the College. The only evidence of this was the letter quoted by Prof. Sumichrast. We think the explanation offered by Prof. How, and corroborated by a witness present, that he asked for these specimens, not mentioning the College, but intending them for his own purposes, and received them as sent in accordance with the request, there being no intimation to the contrary, must be accepted as sufficient. We should, of course, have held that the wish of the donor must be sacredly complied with, had there been any expression of it accompanying the benefaction.

The Bursar's accounts appear to have been regularly audited once, and sometimes twice in the year. We did not find any proof of the charge that the Bursar allowed the Steward of the College to obtain large quantities of goods from tradesmen in Halifax, when, to the Bursar's knowledge, he had absolutely no means of paying for these goods.

The Steward of the College was proved to have fallen into difficulties and to have been discharged. He is shown to have purchased 900 gallons of beer in one academical year, but there is no evidence of the quantity consumed in the College. Two casks (120 gallons) proved worthless, through turning sour, and the Steward expressly testified that a large quantity was used in his own household, by laborers and others on the farm. There being nothing to show any excessive use on the part of the students, we think the words used by Prof. Sumichrast—"The fact of 950 gallons of beer having been consumed in the College during a period of five months, excluding vacations"—imply a state of things which does not exist.

The allegation of "blasphemous expressions remaining for years on the walls of the College," is, we regret to say, though it conveys an exaggerated idea, not wholly without foundation. The reprehensible practice of writing upon the walls has been indulged in to a considerable extent. A thorough examination of the building having been ordered by your Lordship, seventeen expressions termed "exceptionable" were

\*A report of that Visitation is inserted at the end of this pamphlet.

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found. Though not generally irreverent, one or two of them would certainly answer to that description.

The charge against the students of reeling and cursing in their drunkenness through the streets of Windsor, is wholly unsustained by evidence. Several gentlemen of high character, resident in Windsor from six years upwards, and whose occupations render them particularly conversant with its inhabitants, generally, testified to having never heard language, or seen acts to justify this allegation. No one was produced who had. Neither had we evidence that "drunkenness, gambling, rioting, insubordination, and disorder, prevail among the students." Its prevalence, on the contrary, was distinctly denied by all who were examined touching the matter; but no one was found to sustain the affirmative. There appear to have been, in times past, isolated instances of disorderly conduct, checked whenever discovered, and even punished by sentence of expulsion. All persons testifying before us spoke unhesitatingly of the exemplary conduct of the students for the past year, and Professor Sumichrast himself, in reference to this and other matters referred to in his letter, seemed contented to rest with a reference to the "marked improvement" that had taken place. On one occasion, within that period, intoxication was proved. This occurred on election day, and three students were involved in the offence. It was promptly brought to the notice of the Board of Discipline, and dealt with. It is represented as a first offence, and there does not seem to have been any repetition of it.

The Matricula or Register of persons admitted members of the University, we find, has not, of late years, been kept in strict compliance with the Statutes, or with the same accuracy and fulness of detail, as in former times.

The Curriculum, we think, is a matter to be left for the consideration of the Governors of the College.

Touching any further questions raised by Professor Sumichrast, not above particularly disposed of, the general remark will suffice, that we have found no evidence that would, in our opinion, establish a suspicion injurious to the College.

In respect to the inquiry instituted by your Lordship into the conduct of Mr. Sumichrast, as one of the Professors of the University, we wish to give due weight to his explanation of the heavy obligation incurred by him to the Steward, and yet undischarged, as resulting from his anticipation of a larger income than he actually enjoyed; but it is materially reduced by his admission that, very soon after his arrival, he was able to form his own estimate of what he might depend upon. He appears to have received an erroneous impression regarding the extent of his duties, from his conversation with Mr. Gahenga, but does not attribute any intentional misrepresentation to that gentleman, whose high character he acknowledges.

We find that Professor Sumichrast, as Librarian, has not strictly complied with the requirements of the Statutes; but after hearing his explanations, do not think that the neglect produced very injurious effects. At least, no evidence to sustain such a position was adduced.

We regret that we are not able to add the same qualification to our finding in respect of his conversations with students, which, although we accept his interpretation of them as jocular, were calculated, we think, to encourage the expectation of a disregard of discipline.

We have also to report, as established, the breach of the Statute, Cap. 7, Sec. 1, and disregard of the President, by Professor Sumichrast, in changing the hours for lectures, as also in notifying students of exemption from attendance upon his lectures, without due authority,—as these acts were frankly admitted by the Professor himself.

We have the honor to be,

Your Lordship's most obed't serv'ts,

(Signed)

HENRY W. SMITH, *H. M. Atty. Gen.*

JOHN STORRS, *Clerk.*

M. H. RICHEY, *Barrister.*

ALIFAX, 17th May, 1872.

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## REPORT OF J. RUTHERFORD, Esq., C. E., ASSESSOR.

HALIFAX, May 20, 1872.

MY LORD,—

Having, as one of your Assessors in the inquiry instituted by your Lordship into the charges made by Professor Sumichrast, given special attention to the Geological and Mineralogical collections in the Museum of King's College. I have now the honor, in accordance with your request, to submit the following report on their condition and character.

The collections, according to the Calendar 1871-72, are termed the Almon, the Governors', the Alumni, and the Australian. There are also others which have no specific title and which consist of presentations from various benefactors, and of exchanges with collectors.

The entire collection is not an extensive one, but it is certainly not only interesting, but also valuable in connection with the study of those branches of science which the liberality of General Williams is calculated to encourage.

My attention was directed in the first place to ascertain whether the collections were in good order, and also whether there was much or any discrepancy between the present number of the specimens and the descriptive lists furnished by the donors and others. For this purpose, I made a careful examination of the contents of the various cases, and the result I will briefly state, as follows :

The Alumni collection of Silurian fossils, I found to agree with the numbers and descriptions furnished by Dr. Honeyman, from whom it was purchased.

Of the Governors' collection of coal fossils there does not appear to have been any detailed statement. It was made by Dr. How and consists of specimens of carboniferous fossils from the Sydney and Joggins mines. Included in the Governors' collection is one of European rocks, which was purchased by the Governors. The specimens in it are neatly labelled and complete ; not one being wanting.

The Australian collection, which is a very interesting one, and includes over one hundred specimens, is also perfect.

The Almon collection is of a mixed character, and of considerable extent. The greater part of it is kept in a cabinet, but several specimens have been placed in the cases to aid in more fully representing some of the formations. It is stated by Professor Sumichrast that thirty-one of the specimens are wanting. Considering the character of many of the specimens and the fact of the distribution referred to, I did not deem it necessary to search for the missing

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members of the collection. Some I observed in Dr. How's lecture room, where, I was informed, they were used in connection with his lectures, and it is not improbable they may have been overlooked. The cases in which the above are exhibited contain also the specimens presented by various donors.

The Mineralogical specimens are also arranged in cases and in accordance with the recognized scientific order. There are several very excellent specimens, and the entire collection illustrates, though on a comparatively small scale, a considerable portion of the classification now adopted.

Of the general condition of the entire collection of fossils and minerals, I have no hesitation in saying that the specimens are in good order, and certainly do not look as if they had been neglected or carelessly treated. In connection with the study of Geology and Mineralogy, the collections are, I consider, such as will be of much service to the student. For this object it is of much importance that the arrangement of the collection should be as systematic as its extent will permit; and that the specimens should be fair representations of the different classes of rocks and minerals. In these respects I have much pleasure in stating, that I consider the collections are by no means deficient. Although far from complete, whether as regards general geology or that specially appertaining to Nova Scotia, there is something more than the nucleus of an excellent and valuable medium of information.

The mixed character of the collections and the desire that frequently prevails under similar circumstances to keep them distinct in honor of the donors, has not prevented the arrangement in an instructive form of a considerable number of specimens illustrative of the geology of the Province. Beginning with the Silurian rocks represented by the Arisaig series as classified by Dr Honeyman, from which there is a good collection of the fossils peculiar to the formation, the rocks and fossils of the overlying measures, as found in the Province, are to a greater or less extent represented. Of the Devonian there are few specimens, but the lower and upper carboniferous are illustrated, if not by an extensive series, by at least a not uninteresting collection.

I may here remark that the collection would be much more incomplete but for the inclusion of part of the private collection of Dr. How.

As at present arranged the student of Geology cannot fail to find the collection of much advantage in the course of his reading. The benefit would, however, be very materially increased if the collection included specimens of the entire series of rocks and fossils of the European and American Geology. The accomplishment of this is a work of time, but I have no doubt that if all interested in the Geology of the Province would send native specimens to the Curator a beneficial exchange could frequently be made with collectors in other countries and the gradual development of the series be realized.

On the other subjects to which I gave attention, viz, the collection of plants and the philosophical apparatus, I have briefly to remark that the former appeared to be in good order and to show no symptoms of neglect; some are exhibited in cases and others are preserved in the original sheets of paper in which they were enclosed, and kept in drawers; the latter is but in the condition in which such apparatus is apt to be when in regular use.

I have the honor to be, my Lord,

Your obedient servant.

JNO. RUTHERFORD.

The Visitor of King's College, Windsor.

## OPINION OF MR. JUSTICE WILKINS ON THE CONSTITUTION AND POWERS OF THE RECENT COURT OF ENQUIRY.

The Board of Governors of King's College, of which I have the honor to be a member, on the 10th instant, passed the following resolution, viz :—

" In consequence of doubts having arisen as to whether the recent visitation at King's College was made under a commission from the Board of Governors, or whether upon the Visitor's own authority. Mr. Justice Wilkins be requested to communicate his opinion on this matter to the Board of Governors, and to state how the enquiry is affected thereby, and whether the Board can take action on the report of the Visitor."

Mover—PROFESSOR HIND.

Seconder—DR. ALMON.

In order to discharge the duty thus delegated to me, it is necessary that I should, first notice the purport of the resolutions of the 26th of April ; secondly, that I should consider the recent proceedings of his Lordship the Visitor at Windsor ; and thirdly, that I should review the conduct of Professor Sumichrast in relation to the charges preferred by him.

The resolutions express on their face, as the leading motive that induced the Governors to adopt them, a desire felt by the Board to dispel doubts that might be disturbing the minds of friends of the Institution by reason of the depending charges against the President and the Professors of the College. They also shew—(the Associated Alumni having declined to comply with the request made to them by the Board, while they suggested the constitution of a court of enquiry that was not approved of)—that the instrumentality of the Visitor in conducting the investigation was, in the opinion of the Governors, the only means available for the attainment of the object in relation to the public which was hoped to be accomplished. They shew who, in the opinion of the Board, should be associated with the Visitor as his Assessors. They, also, shew provisions studiously made by the Board to ensure—as they would have ensured—to Professor Sumichrast a full and fair investigation of his charges by the Visitor, in the presence of disinterested Assessors, whose positions and characters guaranteed perfect impartiality in the conduct of the Presiding Judge (if that could be doubted), together with carefully considered arrangements for preparing a written record of every step in the proceedings and of every word of the evidence—a record to be made accessible to every interested inquirer. The contemplated evidence was not indeed, to be taken *under oath*, for

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that could not be done in the existing state of the laws, nor by witnesses coerced to attend if reluctant; for *compulsory* attendance, as such was impracticable, before this, or before any other tribunal that could have been constituted for the purpose.

Such was the constitution, and such the designed mode of proceeding of the court before which Professor Sumichrast was invited to appear, and substantiate the charges against the President, the particular Professors impeached by him, and the Students; it must be borne in mind, also, that had they been substantiated, the establishment of them would by necessary implication, have convicted the Governor, and the Visitor of culpable remissness in not compelling the authorities subordinated to them to observe the Statutes of the University—the very charge preferred by the accused against the last mentioned functionaries.

I am next to examine the proceedings at Windsor.

In substance, I have been asked whether, in my judgment, the Visitor so misapprehended (if he did misapprehend) the nature of the functions designed to be exercised by him, under the resolutions that, as a consequence of his acting under such misapprehension, the investigation committed to him has failed to be conducted according to the intention of the Board. Now the necessary inference from the language of the resolution is, that His Lordship was requested to sit at Windsor as *Visitor*, because they state that *in respect of his being such*, he was selected by the Board; but they also show that he was selected in order that he might perform the office of Visitor relatively to the charges in question. His ordinary functions in that capacity, though of course they could not be superseded by any act of the Board, were properly understood to be modified as to the subjects of their exercise by the language of the resolution.

The point of my inquiry then is, whether any step was taken, or any act done by the Visitor, which debarred, or had a tendency to debar, Professor Sumichrast from freely and fully submitting his charges, at the time and places appointed therefor, in accordance with the resolutions. A reference to the record of the proceedings shows demonstratively that this question must be answered in the negative. If this conclusion be correct, it is immaterial what view the Visitor entertained of the authority under which he acted; for, even supposing him to have *erroneously* considered himself to be exercising his functions independently of any authority derived from the resolutions,—a view clearly entertained by his Lordship, and as justly, it must be admitted,—still, if on the threshold of his proceedings, he was prevented by Professor Sumichrast from acting *at all* in furtherance of the objects indicated by the Board, such misapprehension about the source of his powers would have been without any influence upon the investigation contemplated by the resolutions. His Lordship did not act *directly in any capacity* in the matter of Professor Sumichrast's charges, because that gentleman by a solemn-written instrument, protested *in limine* against his Lordship acting in that matter *at all*.

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Having compared the notes of the Reporter, Mr. Harrington, with those of the Clerk, Mr. Maynard Bowman, I find them in harmony as to the following extracts from the proceedings in the College Hall made from the former : —

6TH MAY, 1872.

"His Lordship, the Bishop, as Visitor, stated that the object of the inquiry was a thorough and independent investigation into the general state of the College: that he would not be confined to the limit of the charges preferred by Professor Sumichrast, but would go fully and independently into all the charges against the College; that he had nominated the honorable the Attorney General, the Rev. John Storrs, M. H. Richey, and John Rutherford, Esqrs., as Assessors. The resolutions of the Governors of the College, requesting the Visitor to hold this inquiry, without acknowledging the authority of the Accuser to require it, but for the purpose of placing before the Government and the public the true state of the Institution, were read.

Mr. Sumichrast was then called on by his Lordship to declare whether he was now prepared to offer evidence with reference to any charges against the College, and whether he had prepared such charges in any definite form. Mr. Sumichrast replied that he was prepared with a protest against the jurisdiction of the Court, which, by permission, he read."

It is certain, then, that this protest was prepared, not in consequence of anything that occurred on the day when it was thus presented, but antecedently, and on the 1st of May, 1872, when it bears date. It therefore shows conclusively that Professor Sumichrast presented himself before the Visitor with a predetermined purpose not to submit for inquiry by him and his Assessors any of the charges that he had preferred against the College authorities.

It appears from the notes referred to, that, after he entered his protest, the Visitor proceeded in the exercise of his ordinary jurisdiction under the College statute, (evidently, however, keeping in view the charges in question,) to investigate all complaints that were, or might be, brought before him, against any of those who were subjected to this authority. It occurs to me to remark, in this connection, that in my opinion, while to have subjected Mr. Sumichrast, *qua* Professor, to the Visitor's compulsory jurisdiction, would have been, in view of the resolutions, most objectionable, if he had not protested, or before he had an opportunity of protesting, against the authority of the Visitors to inquire into the charges preferred by him—there was not only no objection *after the protest*, but it then became the Visitor's plain duty to require Mr. Sumichrast, as Professor, to answer any charges that might be made against him, or any questions that might be put to him respecting his conduct as such, or to testify as a witness, if cited by the Visitor for that purpose.

A third branch of my inquiry respects the conduct of Mr. Sumichrast in relation to these charges.

Reviewing that, I find it impossible to believe him sincere in the desire professed by him for an investigation. Any person can, at pleasure, cast a cloud over the reputation of this or any other Academical Institution, by the mere act of publishing defamatory statements to its prejudice. If the man who does this declines, when afforded a fair and reasonable opportunity of proving the imputation, to avail himself of that opportunity, then it follows (the scandal gen-

erated by the charges depending solely on the authority of the slanderer) that the institution thus disparaged retains, of right, the reputation it had enjoyed before it was calumniated.

The question of this gentleman's good faith in professing a desire to have the charges inquired into shall be tried by facts and statements furnished by himself. His letter of the 24th February shows unmistakably that, with the sole exception of the alleged misconduct of the Students *out of College*, respecting which several witnesses were examined before the Visitor, *in regard to none of whom was there any difficulty experienced in procuring their attendance*, the whole evidence that he could possibly require was (because he therein states such to be the fact) before the Governors, and therefore, would have been accessible to him on the day of an enquiry held before any Court that might be convened at the College to investigate the matters of his impeachment. Hear him on this point: He says, in the last paragraph but one of his letter. "And again, let me recall to your Board that the *written* official proofs of all I have stated as to the College are in the very room where you (the Governors) are reading this letter." Compulsory attendance of non-Academical witnesses he knew, when he made his charges, he could not command before any court of inquiry.

Again, as to inferences touching his sincerity of purpose to be drawn from the consistency, or inconsistency, of this gentleman's conduct, he shall furnish proofs from his own pen. We have seen that at least the main body of his evidence, that on which he relied when he published his letter, was at his command. We have seen that moral influences only could be brought to operate on individuals outside the College, to induce them to appear before any court within its walls. A College statute shows, as he well knew, that the Visitor could command (and he shewed himself ready to command) all members of the university to appear before him that Mr. Sumichrast might require. The reporter's notes show that many witnesses not belonging to the University did appear voluntarily, and were examined. The Rev. Mr. Sterns only (of the nature of whose expected testimony no information was given to the Visitor) of all persons pretended to be material did not appear. Mr. Sumichrast did not communicate with the Visitor the name of any one witness whose attendance he desired, or who had refused to attend. And yet, in the 2d paragraph of his protest, he says, "That, although willing to lay my case, even in the mutilated form resolved on by your Board, before the Visitor, I am unable to do so,"—Why? Hear him:—"on account of the refusal of several important witnesses to appear and give evidence before the Court now appointed by your Board." Who were those persons, and to what material facts were they prepared to testify? Who, in view of the circumstances that mark the case, believe in the existence of such? We learn from the reporter's notes that Professor Hind and the Rev. Mr. Maynard, after publicly announcing that they would not attend, did attend and were examined on the occasion of the visitation. They were



present, prepared to testify to any point respecting the charges, touching which the accuser might desire to interrogate them.

It remains for me to answer the last question submitted to me by the Board, viz: "How the inquiry into the charges is effected by the mode in which the Visitor conducted the proceedings at Windsor." To this, what I have already observed, furnishes an answer to the effect that the inquiry as contemplated by the resolutions failed by the protest of Professor Sumichrast and by this alone.

The state of the case is this:—Mr. Sumichrast, in a spirit of pure charity to an institution around which his sympathies are entwined, exclaiming with a sigh, "Alas! that it should be so," scatters broadcast everywhere, publications proclaiming the weakness and the vileness of the fond object of his affections, and when challenged to prove his defamatory allegations before the Visitor of the Institution, assisted by a highly respectable clergyman of the Church of England, who had been before nominated by the Associated Alumni to investigate these very charges; by a learned gentleman of the Wesleyan Methodist persuasion, who had filled the Mayor's chair in the city of Halifax, and by Her Majesty's Attorney General for the Province—answers in these words: "I am *willing* to lay my case,"—a case shewn on the face of his letter, and admitted by its author to rest for its support on *documents and College records*—"before the Visitor, but I am *unable* to do so on account of the refusal of several important witnesses,"—of no one of whom the name is disclosed, or the nature of his testimony—"to appear and give evidence before this Court." Mark! this is, therefore, the sole ground on which this gentleman rests his protest! He says, "I am willing to lay my case before the Visitor—my proof of it is documentary—but I am unable to lay it before the Visitor because *several* important witnesses have refused to give evidence." Surely the public must be wilfully blind if it does not pierce the flimsy veil of this deceit, and discern the hollowness and the mockery that it attempts to conceal! To the source of this miserable scandal—the "*fons et origo mali*," I commend these lines of the poet:—

"The man who dares traduce because he can  
With safety to himself, is not a man."

In mentioning the names of the Assessors I have omitted that of Mr. Rutherford. I did so solely because it could not have been known to Mr. Sumichrast when he prepared his protest that Mr. R. would sit with the Visitor—he, a highly intelligent Englishman, who lately held the office of Inspector of Mines, under the Government, was an Assessor in fact, and as such ought to have made the Court more acceptable to Professor Sumichrast.

On referring to the Reporter's notes I find with great satisfaction, that, after the protest had made it impossible for the Visitor, by a course of proceeding directed particularly to that end, to elicit evidence from Mr. Sumichrast and his witnesses, in direct support of the charges, his Lordship, in the presence of his Assessors, proceeded to conduct, as thorough an investigation as was practicable, as thorough indeed, as it could have been if the accuser had prose-

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cutted, formally,—into the conduct of all the College authorities, and of the students, and into the states of the Library and of the philosophical apparatus—substantially and really into the *matters of the very Charges*, the accuser and his witnesses being before the court. I perceive with pleasure, also, that on that occasion the President, the Professors, (Mr. Sumichrast included), Professor Hind and the Rev Mr Maynard, all gave evidence. Professor Hind examining some of the witnesses.

This constitutional exercise of the Visitor's authority was most opportune, and the Board will, I apprehend, await a report of the results of it with deep interest.

All which I have the honor to submit,

L. M. WILKINS.

Halifax, May 14, 1872.

### EVIDENCE.

*Court of Investigation held by the Visitor of King's College this 6th day of May, A D. 1872.\**

His Lordship the Bishop, as Visitor as aforesaid, stated that the object of this inquiry was to make a thorough and independent investigation into the general state of the College; that he would not be confined to the limit of the charges preferred by Professor Sumichrast, but would go fully and independently into all the charges against the College; that he had nominated the Hon. Attorney General, Rev. John Storrs, M. H. Richey and John Rutherford, Esqrs., as Assessors, and while by a longer delay a greater number of persons suggested as Assessors would probably have attended, yet he had deemed it more fitting that this investigation should be held as soon as possible.

The resolution of the Governors of the College requesting the Visitor to hold this enquiry, without acknowledging the authority of the accuser to require it; but for the purpose of placing before the Government and the public the true state of the institution, was read.

Mr. Sumichrast was then called upon by his Lordship to declare whether he was now prepared to offer any evidence with reference to any charges against the College; and whether he had prepared such charges in any definite form.

Mr. Sumichrast replied that he was prepared with a protest [A] against the jurisdiction of the Court, which, by permission, he read.

At the conclusion of the protest, Mr. Sumichrast declared his determination to withdraw from the Court. His Lordship expressed his desire that Mr. Sumichrast should remain to hear the determination

\* The capital letters inserted in the body of this evidence refer to documents in the Appendix similarly lettered.

of the Court upon his protest, which, he said, appeared to be no more than his duty, since the Court had fully listened to the protest.

His Lordship went on to say that while the resolution of the Governors suggested the calling of this Court, yet he had declared it to be entirely and exclusively his own Court, called at his own pleasure and entirely under his authority as Visitor of the College. In proof of this fact, he mentioned the circumstance that he had not merely complied with the request of the Governors in the appointment of Assessors, having appointed one—Mr. Rutherford—not nominated by them. He fully and entirely disclaimed all subordination to the Governors, declaring the court to be entirely his own, and independent. His Lordship declared his willingness and determination to examine Mr. Sumichrast with reference to his charges.

At the conclusion of his Lordship's remarks, Mr. Sumichrast declared that, having read his protest, he declined to be examined.

His Lordship then called upon Mr. Sumichrast, as a Professor of the College, to be examined under the Statute. Mr. Sumichrast replied, "I refuse to be examined." Mr. S. then withdrew from the Court.

The Assessors formally delivered it as their opinion that the protest of Mr. Sumichrast did not apply to this Court, nor in any manner affect its authority.

His Lordship then declared his determination to proceed with the inquiry, and to hear any charges which any person might feel disposed to prefer against the College,—stating that while he had sent a summons to the Professors of the College, and to the above Professor in particular, yet he was perfectly willing that any person having any charge should now be heard. [B.] He called particularly upon Mr. Maynard one of the former Governors of the College to state whether he desired to place before the court certain charges he had preferred some time ago, and the settlement of which he understood had not been satisfactory to that gentleman.

Mr. Maynard declared that, while he had some time ago, procured an inquiry into the affairs of the College, the issue of that examination had been highly satisfactory to him, and he had nothing further to say upon the subjects of this investigation.

His Lordship then asked the President whether as a matter of fact the declarations of office had been signed for some years back.

President. "They have not." My attention was not called to this until after the visitation. No officer of the College had suggested to me that he ought to sign the declaration. I think this declaration had never been signed prior to my becoming President.

I entered upon my office of President in 1836. Prof. Oram had been in the College three months before signing. I failed to remember that he should have signed it. I candidly admit the omission was mine.

His Lordship then asked the President if it had been customary for the Students to be out of the College after legal hours. He referred to the statute of discipline Sec. 6.

The President said, it was impossible for any President or Vice President, considering the nature of the building to prevent the students from leaving.

He said he had frequently exercised supervision by going at "all hours of the day and night" to the rooms of the Students. He said that there are two doors to each bay, and even if these doors were locked the students would still obtain egress through the cellar and windows. A plan was suggested by a committee as calculated to prevent this, but it was rejected by the Governors as too expensive and probably ineffective.

His Lordship then called upon the Vice President to declare whether the students had been permitted to infringe the rules on page 47 of the Calendar prohibiting them from being out of the College after 9.30 p. m

Rev. Dr. Hensley said—This rule was drafted by myself as a member of the committee on the supposition that there should be a change in the construction of the building. The change not having been made I wrote a notification to the Board of Governors, calling their attention to this particular point.

To this communication I received a reply stating that in consequence of the great expenditure on the library, they would be unable to make the necessary alteration. The hour of evening chapel was changed to 9.30, and students absent from that were assumed to be out of College. I require from all students desiring to be absent from chapel to furnish me with their permission. There were four such permissions last week. The hour was changed at the beginning of October term. In some cases students thus absent without leave account for themselves next day; in others they are punished for such absence. Twice a week students are allowed absence from chapel—I consider going to spend the evening with their friends a valid reason for absence. Without some such satisfactory statement I take notice of the absence. No reports of misconduct by students out of College after hours have been made to me. If the students are charged with violating any rules they are punished accordingly. In every case in which I have reason to believe that there was not sufficient excuse for absence I call them to account. Some have been absent without leave. In the present state of the buildings it is impossible to secure the carrying out of this rule, but I have frequently visited the rooms of the students at different hours of the night. Sometimes in such visits I have found the students out of their rooms and in the rooms of others, and sent them immediately to their own. If there were any misconduct it has been punished.

I was appointed Vice President in 1865 and have always acted as such since that time. The old rules unrepealed declare that in the absence of the Vice President, the Senior Professor should act as Vice President, and as I have always been senior Professor since my appointment, during any vacancy I was entitled to act under that statute. I have always, during my appointment, held myself

responsible for the duties of Vice President. With reference to the curriculum he said that the Professors, previous to the arrival of Mr. Sumichrast had digested a scheme of study [C] which was to be submitted to the Governors for their adoption, and which was handed in. On the arrival of Prov. Sumichrast this scheme was shown him and he suggested alterations and additions simply copied from the Calendar of the London University, many of them wholly unsuited to this Institution and this country. I believe the new curriculum to be utterly impracticable with our present staff; and this is admitted in introduction to Calendar. I can say that since last October we have not had the necessity for a single instance of discipline, and that the College in that respect is in a highly satisfactory condition. A printed letter of Professor Sumichrast was put in evidence, dated March 23rd, 1872, [D] stating there has been during the last two terms a marked alteration for the better in the behavior of the students.

I deny altogether that at any time it could be said of the College that "drunkenness, insubordination, &c., prevailed" in the College. There have been single instances which have been punished. The last occurrence of such a nature was on election day of last year, when I saw one come home in a state of intoxication. There were two others I did not see. They were dealt with. This must be what is referred to by "reeling in broad day." The punishment varies according to the number of offences. First offences are not punished so severely. Within the last two years one was rusticated and another removed by his friends on the advice of the Professors.

There was one case in 1868 in which the decision of the Board of Discipline was overruled by the Board of Governors, and their sentence of expulsion changed to rustication for three terms. There was a case in 1859 in which the Board of Discipline had to complain of a like interference by the Board of Governors. Professor Hensley then read a letter from Rev. Stanley Boyd, stating that the assertion that "drunkenness, gambling and insubordination prevailed" in King's College, was strangely at variance with the facts, as his experience of six years had made him acquainted with them. [E]

Mr. J. Shaw, of Windsor, said that he has known the character of the students for 15 years, the period of his residence in Windsor. I believe there have been cases of drunkenness among them, but they have never come under my notice. I have never known or heard of a single instance during that time of a student going through the streets "cursing and swearing." I do not think that any respectable person in Windsor could be found to make such a statement.

I am always in town and have known almost every student personally. The excess of drinking has not to my knowledge been common among them. On election day last year I noticed one student the worse of liquor. He made use of no improper language. My belief is that the impression of the character of the students in Windsor has been that they were as respectable as could be desired.

Mr. Maynard, Rector of Windsor, said that since the last

Encenia there has been a very marked improvement in the conduct of the students. The conduct of the students in church has in individual cases been improper; as a general thing it has not been so. I have made a representation to the Professors of the College. This representation was, I believe, immediately taken notice of and action taken. I never knew any reluctance on the part of the Professors to make inquiry into the conduct of students.

Professor Hensley referred to an entry on the minutes of the College Board of Discipline, showing that the case in which Mr. Maynard made the representation had been dealt with.

With reference to the charge concerning Good Friday, he read from the minutes of the Board of Discipline an entry of a charge against two students for being out of College at improper hours. 2nd—for using improper language. 3rd—ringing College bell between 11 and 12 at night. 4th—making noise in their rooms at that hour. 5th—failing in respect to a Professor.

There was one stroke of the bell. One gentleman admitted all the charges but 3 and 4; another all except 2, but alleged as it was vacation they did not consider themselves bound by the same strictness as in term.

Charge No. 5 was considered alone, and it was decided that an apology to the Professor should be required, and in case of a refusal there should be a sentence of banishment. The apology was declined in the first instance and they were both sentenced to banishment. The Professor (Sumichrast) had put his head out of the window and was told to take it in. Subsequently both apologized and the sentence was annulled. The failure of respect to Professor Sumichrast was owing to his having used extraordinary expressions with reference to discipline.

The offence of Easter Sunday consisted in the students tearing off their gowns on account of the two rusticated and wearing the pieces as mourning.

Mr. Maynard said that the conduct had been very offensive to the congregation, but the manner in which the Visitor had treated it in April last had been perfectly satisfactory.

Adjournment for luncheon; after which the protests against being called upon to give evidence before the Visitor's Court, were handed in by Messrs. Hind and Maynard, and read [F. G.], but no further notice was taken of the protests. The Visitor then examined Mr. Hind.

Mr. Hind said—I have been resident here five years; during the last three terms the conduct of the students could not have been better. During my residence I would certainly not say that there was any foundation for the statement that "drunkenness and gambling prevail" among the students. I have never seen any of the students "reeling and cursing" through the street. My knowledge of the circumstance of drunkenness on election day arose from Dr. Hensley informing me that my son was intoxicated. On inquiry, I found that my son had not been drunk, but that he was helping home some one who was. I believe three or four were drunk during election time.

These things occur in other colleges as well as this. A mode of preserving order was suggested some time ago, and the Professors used the strongest language in favor of this. It was abandoned by reason of want of funds. I have had a good deal of experience in the education of youth. I believe it impossible, in the present state of the building, to prevent the egress of students. It is not easy for a student pursuing such conduct to escape detection in Windsor. In other colleges there is egress only by one door, and a register kept of all who go out and in.

Professor Hensley read a letter to the Bishop, written after the election of last year, stating that the student who had been drunk was punished.

Dr. Fraser said the general conduct of the students was very good. He had never seen one drunk. Have been in Windsor fifty years. The last five years would compare most favorably with the past thirty years. They are not to be compared.

Mr. Maynard Bowman said he had been about Windsor a good deal. Have not known the students to be drunk. Have heard of the drunkenness on election day. Did not hear of students "reeling and cursing through the streets." The disturbances on election day and Good Friday were all I heard of. Have never known riotous conduct and gambling to prevail here. The students have generally had a good reputation. There was only one Board of Discipline during my time at College. It was about a late tea-party. Resided at College, and was in a position to know their habits. In my opinion, the conduct of the students was extremely good. The saying was, that "whatever a student was when he entered, he went out a gentleman."

Mr. Charles Bowman, senr., said that during all his experience of the students, he had been always happy to see them at his house, which he would not have been if their conduct had not been good. As far as he was able to learn, whenever a student had been guilty of misconduct, he had been punished, and in some cases very severely. He had always observed a very judicious system in dealing with delinquent students. He had noticed a paternal authority, and in all cases there was either a reformation or an expulsion. Prof. Hensley then read a petition from some of the inhabitants of Windsor to the Board of Discipline, praying for the remission of the punishment of a student.

Mr. William Shaw has known the College for six years—Have never known a time when it could be said "drunkenness riotous conduct &c., prevailed." The students have been constantly in my store—I have never known of cursing and swearing. Sometimes I have known them the worse of liquor. They were making no noise. They were not entirely drunk. They were a little unsteady. Never heard them cursing and swearing. Do not believe such a thing.

Mr. Dodwell said that the sentence in Prof. Sumichrast's letter referring to "drunkenness" was a gross exaggeration. Have known nothing more than I have known in other Universities.

Heard of the disturbance of election day; never heard of their swearing. One of those who was then drunk has since been removed.



Have never had reason to believe that boys who have gone from my school to the College have had their morals contaminated.

Dr. Fullerton said he left the College about three years ago. Was here in 1867 and '68. I think the student whom it was necessary to deal with severely stood alone. Most decidedly it could not be said that the evils spoken of have "prevailed" in the College. I do not think the students were in the habit of being out late at night. Never saw any intoxication whilst I was at College. The information I acquired here was of decided benefit to me in New York. The conduct of the students compares very favorably with those in New York.

Mr. Chandler said—I have known the students for six years. Instead of being intemperate I believe them to be quite the reverse. I recollect the election day. Though one or two students were rather elated, I never heard them use bad language, I saw one of the two again in the evening. In the evening I was with him about an hour. He showed me a telegram. He was then perfectly sober.

His Lordship asked Mr. Hind and Mr. Maynard if they could suggest any persons whom they thought would be likely to make different statements. They said they could not.

Mr. Hind then read a letter from himself and Mr. Maynard dated June 5th, 1871, complaining of depredations by the students. [H.]

He believed that the impression was that the students had screwed up Col. Poyntz' door because he had informed the authorities about the Easter Sunday disturbance.

Mr. Dodwell said that he had carefully examined the door of Col. Poyntz and was firmly of the opinion that the screw had not been put in by an amateur hand.

The Bishop then read a report of Professors Hensley and How, and Mr. Boyd whom he had requested to examine the walls of the buildings and report all objectionable phrases. [I.] The report stated that the worst of these phrases was located quite near the door of Prof. Sumichrast's room, had remained there for upwards of a year and had never been effaced. All of them any way objectionable had been copied—none of them were blasphemous.

Professor Oram said that while the building was covered with writings, he had not discovered a single remark which could be called scurrilous or blasphemous.

Professor Hensley stated that several clergymen, including two gentlemen from Cambridge, had lately visited the College in vacation time, and expressed their entire pleasure at the arrangement and general character of the building,—statements wholly at variance with the impression attempted to be conveyed by the letter of Professor Sumichrast. Also that Professor S. himself had, on his arrival, expressed his entire satisfaction therewith.

The Bishop then called upon the President to explain the charge made against him of embezzlement with reference to the McCawley Prize Fund. That gentleman then read the following letter, which he had some time ago addressed to Mr.                      respecting that fund. [J.]

The Bishop believed the explanation to be quite correct, and read

the following extract from a statement made by himself to the Board of Governors respecting it. [K.]

Mr. Hind, being called upon, read a report of a meeting of the Alumni in 1847, from which it appeared that Dr. McCawley had promised to give £100 stg. towards a fund then being raised.

His Lordship asked if any one could suggest the cause of the small number of students at present.

Professor Hensley said that the number had varied at different times from thirteen up to fifty. He thought the falling off among the Divinity students was largely owing to the fact that the small remuneration in the clerical profession deterred parents from sending their sons for instruction in that profession. He also believed that the opening of Dalhousie College, and the establishment of the Medical Faculty there, had told against the College. He believed that the abolition of the necessity of residence during the whole year at the College would work beneficially, and said that he had now applications from three Divinity students proposing to enter next fall.

Mr. Dodwell expressed the opinion that the falling off of the College from time to time was largely owing to the closing of the school at those times. He said that with no school there would be no nursery for the College, and strongly expressed the belief that a school of a hundred could be established here.

The Visitor asked Mr. Hind if he could give any explanation of the falling off in numbers beyond what had already been stated; and he said that he could not.

Mr. Maynard was asked whether from his own knowledge, or from conversations with his brothers in the ministry, or from other persons, he could state any probable reason for the decrease. He said that he was unable to do so.

Court here adjourned at 6 P. M., to meet at 9 A. M. to-morrow.

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*Tuesday, 7th day of May, being the second day of the sitting of the Court of His Lordship the Bishop of Nova Scotia, as Visitor of King's College.*

His Lordship asked the President if the £100 stg., given to the S. P. G. was the same he had promised on Alumni list of 1857. He said certainly, I know no other. All the proceeds of this fund have been religiously appropriated in some way for the benefit of the College. I gave the fund into the hand of Bishop Inglis with the understanding that if in any year there should be no candidate of sufficient merit that he (Dr. McC.) should appropriate the proceeds to the College, according to my own judgment.

In every year in which there were Hebrew scholars sufficiently advanced to deserve the money, they received it. There were some years in which there were none.

The President refers to the letter handed to the court by him yesterday, as stating the special nature of the trust to the S. P. G.

Mr. Richey asked if there were any person present who could point

to the official record referred to by Professor Sumichrast as proving that the fund was not to be at the President's disposal in the event of no student meriting it; or whether the subscription list read in court was to be considered as such record.

Mr. Hind said the only evidence he knew of was the correspondence between different gentlemen; which correspondence had been referred to by the President.

Mr. Maynard said that, as Governors, neither he nor Prof. Hind knew of any other documents than the list referred to containing matters mentioned in Mr. Sumichrast's protest.

His Lordship next called upon the Vice President to state whether the accounts of the Bursar had been regularly audited.

Vice President replied that the accounts had regularly been audited once and sometimes twice a year by President, and, whenever there were Fellows resident, by them also. Bursar is himself a fellow of the College, and there are two others.

This does not include the Steward's accounts. They had been regularly audited and handed in to the Governors at end of academical year. Was not aware until this morning that Steward had been in habit of dealing with merchants at Halifax. In September last, understanding that Steward was becoming insolvent, I informed Governors to that effect. They informed me that if Steward could not assure me of his ability to proceed, he was to be dismissed. He could not assure me and he was dismissed. Was not aware that it was my duty to inform Halifax merchants of his approaching insolvency had I known of his dealings with them.

His Lordship then interrogated the President as to the charge of his having "secured the coming to him of all money paid to Steward by students for several months in advance, while the President was aware of that officer being several thousand dollars in debt."

He said—I was not aware of the Steward being several thousand dollars in debt. To what extent he was in debt I am not now aware. I advanced him monies with the hope of keeping his head above water.

At the time I advanced the money to Steward I received the order from him on the Bursar.

The Steward Zappernick was called—I have been Steward 2 years; found no difficulty at first. At end of first year found myself pretty well clear of debt. My debts were not heavy and my credit was good.

Shortly after Prof. Sumichrast's arrival I began to get into difficulties,—I provided for large parties for Prof. Sumichrast. Prof. S. always represented to me that he expected money from home. On this representation I furnished him with these supplies. He made me his general agent. I purchased everything for him even postage stamps. This continued for three months. At the end of that time I applied to him for payment—my account then amounted to \$178. All my creditors had agreed to take my debts in small sums. My assets were once \$2,500, and were sold for \$800. Other parties friends of S., went enquiring about and destroyed my credit. Had it not been for these inquiries I believe I could have maintained my credit.

If I had the above sum \$178 in ready money I would have been able to have quieted the more urgent. \$100 have since been paid as I believe by him to my creditors. At the time of my leaving Professor Sumichrast owed me \$253.46. He never disputed the account. He never objected to any of the details. From October to June, inclusive—an academical year, about 900 gallons of beer were purchased. Of this amount Prof. S. consumed about 100. About 120 gals. of this amount soured. The ale was supplied to Professors, students and my own servants and household. My servants were allowed nearly as much as they wanted. I borrowed money from Dr. McCawley. I led the Doctor to believe the amount I was borrowing would be sufficient to relieve me. I promised him at that time that if I could not get the money otherwise, I would pay him by an order on the Bursar.

Obtained the money from President some time last June. When I first experienced difficulty in paying my debts at the time the above \$178 were due, my assets were \$2,500.

During my term of office I was very seldom troubled by the students. They never damaged my property nor committed any mischief.—Compared with other Colleges in Germany, this is a very quiet place. Have not noticed much drunkenness. I saw one student the worse of liquor on election day. At the commencement of one term they played tricks on freshmen. Do not think continued—none of my creditors have ever troubled me—my property was sold under bill of sale. Independently of that my creditors seem willing to wait.

Mr. Hind asked his Lordship to refer to a letter from the Steward asking for increase of salary, dated May 18th, 1871.

(Letter not at present found.)

Mr. H. proceeded.—I was spoken to by several tradespeople of Windsor as to the best means of procuring payment from Steward. Learned Z. was dealing with C & W. Anderson, Halifax. Found, on inquiry, his bill there amounted to over \$300. Understood these goods were transferred in three different cases, viz.: ten, seven and three barrels of flour to parties in Windsor in satisfaction of their claims. Currie and Shand informed me of Bills of Sale held by parties on property of Steward. Debts, \$3,999.84; bill for Beer, \$316; total, \$4315.84.

As result of this enquiry, a report was made by the Board.

Report read.

As soon as this became known, steps were taken for removal of Steward.

Professor Hensley says—At the time I accepted Steward's orders I knew nothing of his debts.

Mr. Hind asks Mr. Zappernich how he accounts for the difference of his opinion with reference to the students, as expressed to-day, with the statement made formerly, as to their conduct and practical jokes.

Z. replies—Mr. Maynard sent me a note to come to his house. He then asked did not the students do such and such things? I answered, yes they did, and they cost me a good deal, but I did not represent it to the Board. Once or twice I became offended by this conduct, and

complained to the Board, and represented that it should not be repeated.

The President says he does not remember any complaints being formally made to him. I only heard of some tricks played in the dining-hall.

Vice-President says—No formal complaint was made to me. Something was said in conversation.

Z. says—I remember three or four times practical jokes being attempted on my servants.

Professor Sumichrast was notified that the Visitor and Assessors would proceed to examine his conduct as Professor and Librarian, and required to attend. He appeared accordingly at noon.

His Lordship asks Prof. Sumichrast whether the statement of Steward that Prof. S. had owed him \$178, and was unable to pay, was true.

Prof. S. says—It is true. I owed the money, and was unable to pay it. I employed him to purchase almost everything for me. I represented to Steward that I expected money for work I had done in England. If I had drunk, together with Prof. Hunter, one hundred gallons of ale, I would not be here alive to answer these questions.

Steward had only charged him for 20 gals.

His Lordship asks Prof. S. how it came that he set such a bad example to the Students by living so much above his means.

Prof. S. asked his Lordship whether he was now exercising his office of Visitor under commission of Governors or under the Statute.

His Lordship replied that his knowledge of the manner of exercising the functions of Visitor at home was that it was done generally at the suggestion of some other. That this inquiry had been suggested by the Governors, but that he had called the court of his own authority, on his own responsibility, and wholly independently of any interference on the part of the Governors or any others.

Prof. S. resumed that he believed when he made these charges he would have been afforded time. He affirmed that such facilities had not been afforded him as he deemed necessary; and expressed his conviction that his foreign origin and his youth had militated against him, by creating a prejudice which seriously obstructed his proceedings.

Prof. S. then read certain documents.

(These papers consist of his application to President for permission to inspect instruments and questions sent to Secretary. He complained that he is not to be allowed counsel and that he would be called upon to stand alone against a large body of men, furnished with every facility, possessed of every document, and holding every power in their hands for the prosecution of this cause. He had supposed that this examination had been held to investigate charges made by himself and expressed surprise that he should be called upon to answer charges against himself.

Having referred to some parties as being bound by an oath, his Lordship asks him to what he refers, when he speaks of persons having violated an oath. [p. 4 of his letter].

Prof. S. replies that the old statutes of the College require all College authorities to take an oath, and that at least one of the officers of the College was bound by that oath. The Visitor observed that the statutes having been altered and the oath abrogated, they who had taken it were released from its obligation.

The Visitor stated that the parties accused could not be expected to assist Mr. S. to make out his case, and that no one could suppose that Mr. S. had printed a sentence of such serious charges without having previously obtained full evidence of their truth. Mr. S. said that he wanted collateral evidence.

The Visitor expressed his wish that Mr. S. should have every facility, and if application had been made to himself he would have afforded the desired opportunity. He had summoned Messrs. Maynard and Ambrose to attend and would have summoned any other desired witnesses within his jurisdiction. He was intending to inspect the building, library and instruments, with his Assessors, and would be happy if Mr. S. would accompany them.

Mr. S. thanked his Lordship, and expressed himself quite satisfied on these points.

The Visitor then asked Mr. S. with reference to his remarks on finding that he was to be examined, whether he could really have supposed that, having insisted upon the necessity of a full and thorough investigation, he would be made an exception, and would be overlooked in the inquiry.

Mr. S. asks if he might be allowed to give his evidence under protest. He is informed that his protest will be noted, but cannot be recognized by the Court, which hold it to be his absolute duty to be present in obedience to summons. In answer to question whether he will be permitted to cross-examine witnesses, he is told that any question he may desire to ask will be put through the Court.

Some documents were here handed in by Prof. S. [Z.]

His Lordship asks Professor S. if it be true that on his arrival at the College he set to the students the bad example of living beyond his income.

Prof. S. replies—Believing my income to be £300 a year, I furnished my rooms elegantly, and lived accordingly. I never applied for pupils in Windsor. I understood the pupils we expected were not from the town, but private pupils from the University. I expected to find a large number of students. Mr. Gallenga told me expressly that there would be very few lectures to deliver, and that about six hours a week would be sufficient for College and Collegiate school. I have known other Universities containing a larger number of students than this in which that amount of time would be sufficient. The statement made to me was of what was done twenty-seven years ago, but I did not then know that it was so. I understood that Mr. Gallenga had only lately come from Nova Scotia. This was the inference I drew from his conversation. I was simply engaged to give instructions in French and German. My reason for living beyond my income was that I fancied my income would have been much larger. I thought this by reason of the above misunderstanding.

The President reads an extract from a letter of Mr. Gallenga, stating that he believed Professor Sumichrast had more work than he (Mr. G.) had supposed, by reason of his being obliged to "lecture on English Literature, and, if my memory serves me right, the Classics."

Prof. S. reads a copy of a letter from himself to Mr. Gallenga. [L.] [Letter dated King's College University, 22nd March, 1871.]

Mr. Gallenga stated he had informed Prof. S. that he would receive no fees at college from his duties there but for pupils outside.

Professor S. says—This fact is not borne out by my recollection. This occurred about eighteen months ago. Since I found out what would be my real salary, I have tried to live within my means. I have generally occupied from 1 to 3 o'clock each day in giving my lectures.

His Lordship says—You stated that some students had not attended your lectures with the punctuality they should. The students state that they have frequently attended the lectures and you were absent and generally unpunctual. Will you explain this?

Prof. S. says he did not attend the meeting of March 21, 1872, called to investigate this matter, because he thought it would be unpleasant for the President to sit at the same Board with him after he had written his letter.

Minutes of that meeting read. [M]

Prof. S. says—I do not see any proof of the statements. I emphatically deny five times I was five or ten minutes late.

Prof. S. proceeds to invalidate the testimony of Mr. Peters, who made the charge, by stating that the conduct of that gentleman could not be said to be exemplary.

That on very many occasions that gentleman was absent from his lectures, and so habitually so, that there was one day which he (Mr. S.) called "Mr Peters' day," by reason of that gentleman being always absent on that day.

Prof. S. next referred to the fact that those who had given testimony against him with regard to his unpunctuality, were the same who had been implicated in the Easter Sunday disturbance; with one exception. He said that these gentlemen had not apologized as required by the court, and desired that these facts should weaken the force of the testimony.

His Lordship then called upon the Vice President to repeat a statement made yesterday to the effect that Prof. S. had stated to several of the students that he would not take any part in the discipline of the College, and that he would give students timely warning of his approach by the ringing of his bell.

Mr. Peters is called to corroborate the above statement. He says he recollects being in the Professor's room on one occasion when the Professor produced a bell which he said he would ring when approaching the student's rooms, and said also, that he had no intention of becoming a member of a detective force. Professor also said he had been requested to act as Proctor, which he had refused to do.

(Letters, read by His Lordship, between Professors and Governors, December 12, 1870, January 23, 1871, March 9, 1871.) [N.]



Prof. S. asks Mr. Peters whether the statement referred to by him was made officially or socially in his room.

Mr. Peters replies the statement was made by Professor in Professor's room, when arrangements were being made for a riding party. He was certain Mr. Johnston was present. He thinks also Mr. Warburton.

Prof. S. asks Prof. Hensley whether any remarks made at this time were made by way of a joke or seriously.

Prof. H. says he does not think it was a joke, but could only be in his character of Professor.

Prof. S. asks Prof. How whether Prof. S.'s remarks as to discipline were lightly in joke or spoken of in the high manner now alluded to.

Prof. H. replies that he remembers occasional joking about the matter among the Professors.

I have endeavored to do my part in maintaining discipline. I have displayed throughout a strong determination not to allow disrespect to the Professors.

His Lordship asks Professor S. if the statement that he had neglected at the commencement of the term the requirements of Chap. 7, S. 1, providing for the discipline and regulations of the College, was true.

Prof. S. replies—Did not send in any list because I was treated as being separate from the College.

I appointed for my hours from 9 to 10 and 10 to 11, in substitution for the hours of 1 to 3 o'clock, without any communication with the President.

Prof. S. reads a letter from the President refusing to change his hours. I did not consult the President as to this change in hours. I put up a notice to the effect that students would be exempt from attending any lectures until after the investigation. This was on the 10th April.

The resolution of Governors was passed on April 8th, to the effect that the attendance of students would be voluntary. His Lordship states that the President having heard that many students would object to attending Professor S.'s lectures, he took the advice of the Board. They passed a resolution to the effect that the compulsion in attending the lectures should be removed, but did not intend it to be published to students.

Prof. S.—I put up the notice without official instruction from Governors. President says that he did not instruct nor inform the students they need not attend the lectures, but on the contrary requested them to do so.

Prof. S. says he had been informed by the students and others that, as a body, they would not attend, with one or two exceptions. To my great astonishment and great pleasure the students, notwithstanding this notice, with one or two exceptions, have attended my lectures with great regularity and done very well.

With reference to the Library, His Lordship refers Prof. S. to page 53 of the rules and asks Prof. S. what his hours of attendance were.

Prof. S. refers to the visitation of last year, in which His Lordship ruled that above rule would be sufficiently complied with if present when required. The students knew that whenever they applied to me I was willing to attend.

His Lordship stated that he had never meant to hold that the Librarian should be liable to be called upon at any hour of the day; but that he should make arrangements to be there at a certain time each day.

Prof. S.—Am not aware that students account for their not using the books as they would by my being frequently out of the way.

President refers to page 54 Calendar, providing that Librarian shall be present between 12 and 4 o'clock on Saturday.

Professor Hensley refers to Prof. S.'s statement that the Board have not afforded him facilities in this investigation, by stating that they had not afforded him access to those rooms, because he had stated in his printed letter that the proofs of all he had said were under the control of the Governors.

His Lordship asked Prof. S. what reason he had for stating that Dr. Curren had passed upon examination papers in German without having seen them.

Prof. S. replies that Dr. Curren had stated that he could not examine in German as he did not understand the language, and that he had not examined the papers of 1870. He did not make a distinction between setting the papers and examining them.

Letter from Dr. Curren put in and read. [O.]

I still maintain that Dr. Curren told me he had not examined the papers.

(Letter from Dr. Curren published in Calendar of 1870.) [P.]

Professor Hind says he had heard Dr. Curren say he had not set the German papers, and felt himself incompetent to do so. He took the particular paper, (the German examination paper of 1870,) asked him if he had examined the paper. He replied he had examined the French but not the German.

Mr. Maynard says he is quite clear Dr. Curren said he had not examined the papers; he did not say he had not seen them.

Letter from Dr. C. put in (Letter).

President says he is positive the papers were sent to Dr. Curren, and that his answer is as published in Calendar of 1870. The answers on the German were not corrected when we sent them away. Cannot say whether they were corrected when they were returned.

Prof. Hind says his attention was not drawn to the papers by letters signed "Enquirer" which were written in September, whereas he had other information in preceding May.

His Lordship then asked Prof. How, if the collections in the Museum were under his charge.

Prof. How replied that they were. He said that the entomological collection, on his taking charge were a ruin.

(Letter to Visitor dated March 2d—put in). [Q.]

Examined by Prof. Sumichrast.

I did not pretend to arrange the shells not being a conchologist.— The plants were never used for purpose of class illustration. They were put away in the best way the circumstances admitted.

(Another part of same letter put in evidence).

The reason for many of these specimens not being displayed as they ought to have been, was simply want of space.

I purposely and advisedly had the specimens in my lecture room, as well for the benefit of the pupils as myself. If I had not had them in my own room, it would have been necessary for me to have taken a number of specimens from their place of location to the room.

Examined by Prof. Sumichrast.

Those of the specimens on the window sills and other exposed places may have been covered with dust and dirt. Many of the specimens were not properly arranged because I had not room to distribute them. At that time many of my own specimens were used for class illustration. There are some specimens in Prof. Oram's room. I have sufficient confidence in my brother Professor to believe he would not injure any of my specimens.

Prof. S. says—I did not receive the facilities for taking stock of these specimens, I would have wished.

Prof. How says, that while Prof. Sumichrast was not a geological scholar, yet he gave him the keys of the collections, in order that it might not be thought he was afraid of inquiry.

With reference to the charge that 31 specimens were wanting from our collection, the Visitor inquired how it was that no communication had been made at the time to Prof. How when he might have explained or shown that the specimens were not recognized owing to loss of labels.

Prof. How handed in a letter from S., threatening to make disclosures concerning him in Sept., 1871, if he (How) interposed between him and his creditors. [R.] The supposition of this interference being however erroneous, nothing more was heard of these disclosures until March, 1872.

The Visitor expressed much surprise that Prof. S. had been employed to take stock of the geological department. S. reads charges against Prof. H., of having retained for himself specimens given for College.

It appears this printed extract was from a letter of Mr. Sweet of Winckworth, in answer to a letter addressed to him and others by Prof. S.

Mr. Sweet's letter put in. [S.]

Explanation given by Prof. H. in letter of March last, put in as before mentioned. He asked for them without any reference to the College, having been discovered by himself, and not known by Mr. Sweet to be worth preserving. Mr. S. may have supposed some would be given when they were sent.

Prof. How asks if there are any specimens at present in the Museum sent by gentlemen, and which at the time of Prof. S's complaint were not there.

Prof. S. says he cannot say there are.

Prof. How says he has received several specimens for which he had previously asked.

I consider I asked Mr. Sweet for specimens to do as I pleased with them. Prof. S. thought I was receiving them for the College.

Mr. Shaw says he remembers going to Mr. Sweet with Dr. How. On leaving quarries Dr. How said to Mr. Sweet, if you meet with such and such specimens, send them to me.

Mr. Sweet said it was to his interest that these specimens should be found on his premises.

Mr. Sweet has sent only a few specimens of which some have turned out to be worthless.

Letter from Prof. Sumichrast put in evidence. [Letter].

I have sold many specimens. Those I sold were my own.

Mr. Rutherford says that in collections where there are many duplicates, it is customary for the Curator to make exchanges.

Prof. How says he considers the present arrangement more advantageous for exhibiting the specimens and for class illustration.

Enquiry concerning state of instruments—

Dr. How asked Mr. Hiltz—Did you see instruments for shewing S. Gravity of Solids and Liquids? Have you seen the air-pump used—any instruments with it? Guinea and feather, air necessary for sound? Magdeburgh Hemispheres, mercury penetrating woods—did these experiments succeed? None of them failed entirely, and some pretty successful.

The air pump did not work properly.

Illustrating heat conduction bars and Syringe experiment succeeded. Polariscopes succeeded; Electrical and Galvanic apparatus succeeded.

Did you see any chemical apparatus? Yes, I saw several in good order.

Prof. Oram's report mentioned, (mathematical apparatus.) Prof. Hind called by Prof. Sumichrast.—Report was made for the Governors by Professor Hunter on state of instruments. Handed in and marked.

Prof. Hind asked if he had seen apparatus in old Library; said they were in great disorder owing to crowded state of room. Present condition good, owing to skill and care of Prof. Oram.

Letter from Prof. Hind, Aug. 14, 1871, handed in and marked.

Prof. Sumichrast modifies his statement, so as to read that many, not most, pieces of apparatus are in bad state.

Prof. Hind allows that mechanical powers are good, and some other physical apparatus sufficient for practical illustration.

Prof. Oram asked by Prof. S.—“In what state were instruments on his arrival?” Chaos. Could not find apparatus nor its parts. Did he mend any, and what, apparatus? Mended Transit and Solar Microscope. Does he think apparatus fit for use when he came? Statics, Dynamics, good, Hydrostatics bad. Has he seen apparatus for class use in other colleges, and where? Yes, as student and assistant in Galway. In what state were collections? Greater part in glass cases; some not; about half; carefully kept; person in special charge whose

duty is to dust; some instruments unfit for observations; some were; what levelling apparatus; none; surveying useless; Prof. O. uses his own Theodolite, and has borrowed a Level; the Telescope has one lens mildewed; Transit is in very good condition for all ordinary purposes; Steam Engine, locomotive; Fire Engine; the two latter useless; I found they might be put in working order at small expense.

The President asks for authority for the statement that Matricula had to be made up from memory. "From Dr. Hensley," by Prof. Sumichrast.

Dr. Hensley asked Prof. S. "When and where?" Prof. S. said it was confirmed by several persons.

President said he thought there must be some irregularity, as per statement handed in and marked. Statement by President, [U.]

Prof. Sumichrast asks if declaration had been signed by Matriculants for last ten years?

"Have not in all cases." These gentlemen's degrees invalid from not having fulfilled all obligations.

Visitor appealed to. Wished it distinctly understood that he did not admit Mr. S.'s inference of invalidity.

Prof. Hensley asks what he did say about Matricula? Prof. S. thought he made up details from memory. Prof. H. said, if he said so it was quite unnecessary, as he had in his possession full and complete lists of all students entering for last ten years, to the best of his belief. Allowed one correction in the case of Harvey.

Prof. Hensley asked if while acting as Vice President in absence of President, he took official details respecting students on entering and handed them to the President. "Yes, it was his practice."

Prof. Hind asked as to recollection of Prof. Hensley's statement that matricula was made up from memory. Does not recollect his saying "from memory."

Mr. Maynard corroborated Prof. Hind's statement, but agreed it might have reference to details and not to actual names.

"Whole statement exaggerated," Prof. Hensley states, "but some details probably written in ignorance of circumstances." His letter to Governors, asking why put out of office, (March 6, 1872) put in and marked—V. Resolution of Governors in answer. Very handsome acknowledgement of services. (W X Y.)

Statement by Prof. Hensley that he thought Prof. S. had made away with catalogue to third party.

Would Prof. S. produce it. "Yes." Rev. Mr. Maynard said he regretted this brought up; felt College much indebted to Prof. Hensley. He thought Prof. Hensley had said that Prof. S. had made away with catalogue.

Thought it due, as Governor, to make it known to Prof. Sumichrast. Did Mr. Maynard think Dr. H. made such charge seriously? Yes; there was much feeling against Prof. S. Dr. Hensley had, previously to Mr. Maynard's statement, said he might have said it as a joke. Numbers 130, 110, immaterial. Discrepancy between official number 6,000 and those counted accounted for by official Number being a *guess*. Numbers of books on record not same as those at Visitation from re-counting of Prof. Sumichrast.

## APPENDIX.

## (A)

## PROTEST BY PROFESSOR SUMICHRAST.

KING'S COLLEGE, WINDSOR, N. S.,  
1st May, 1872.

*To the President and Members of the Board of Governors of King's College, and to the Visitor and Assessors :*

MY LORD AND GENTLEMEN,—

The resolutions of your Board, passed on Friday, 26th ult., and published in the "Morning Chronicle" of 29th, changing, as they do, the nature and form of the promised investigation into the charges preferred by me against the College, render it necessary for me to protest very respectfully against the action proposed to be taken by your Board. My reasons being :

1. That the constitution, powers, and duties of that Court are altogether changed, and differ in many important points from the constitution, powers, and duties of the Commission appointed by the Alumni at the request of your Board, before which Commission I was prepared to lay my case, and substantiate it by evidence.

2. That, although willing to lay my case, even in the mutilated form resolved on by your Board, before the Visitor, I am unable to do so, on account of the refusal of several important witnesses to appear and give evidence before the Court now appointed by your Board.

3. That your Board, though now refusing to consider the charges against the Visitor, and those against the Governors, did, by a resolution of date 8th April, 1872, instruct the Alumni Commission to inquire into the aforesaid charges, as well as into those against the President and Professors of the College.

4. That those members of your Board who have been elected by the Alumni are responsible to that body for their government of the College and University, and were therefore bound to carry out the views of the Alumni as expressed at their Special Meeting in Halifax, on the 16th ult., to the effect that the investigation should be complete and full, and not into my charges only, but also into the causes of the paucity of students.

5. That your whole Board is responsible to the public for the management of the College and University, as being a public body. This view has been held in England with regard to the University of Oxford

by a high legal authority, one of the Royal Commissioners on University affairs, who states—"That every association, which, for the general good, is beholden to the Legislature for powers and abilities affecting the public, and by the law refused to individuals, submits itself, by accepting the privilege, to be treated as a public body, its public importance and utility being the measure of the right of public interference."

6. That your Board, at its meeting on the 8th ult., did not consider that I had no right to assume the position of accuser, and did not consider that it was "abandoning the duty of maintaining its official independence" by delegating to another body, namely, the Alumni, "the office of inquiring into such of those charges as respect the Governors of the College" and the Visitor, but, on the contrary, acknowledged my right to be an accuser, and did delegate to another body the office of inquiring not into a part only, but into the whole of the charges.

7. That if members of your Board, being responsible to the public at large for "the mode in which they have performed their trusts," have performed these properly, no "humiliation," but only honor and praise, can accrue to them from an investigation into this matter, and that your Board is aware that three of your body stated last year that all the details of the trusts for which your Board is responsible, had not been fulfilled.

8. That the Royal Charter, granted to this College, expressly orders "that the statutes, rules, and ordinances" of this College "shall be strictly and inviolably observed, kept, and performed," by all officers of the University and College, and that this command is binding alike on the Visitor, Governors, President, Professors, and students, so that your Board cannot eliminate from the case for investigation the charges against the Governors, and against the Visitor, such a course being contrary to the true meaning and intentions of the Royal Charter, and that there can be no "permissive violation" of the statutes of the University, as those Statutes are so framed as to allow of their being carried out and observed in their entirety.

9. That the sanction of the Statutes of the University is *not* "by one of them especially entrusted to the Visitor," no such Statute existing, and no such power being conferred on the Visitor by the Royal Charter, which confers the privilege of sanctioning the Statutes on His Grace the Archbishop of Canterbury, Patron of the College, so that the grounds of the first resolution of your Board have no existence, and that thereby the resolution becomes of no effect.

10. That the Visitor cannot try any case in which long-standing violation of many Statutes of the College is one of the principal features, without, by implication, charging himself with violation of the Statutes, Chap. 1, Sec. 2, for, as President of the Board of Governors, the Visitor was aware that Statutes have been and are still violated by himself, the Governors, and the Officers of the College.

11. That the case, as now mutilated by your Board, and comprising only such charges as can be dealt with by the Visitor when himself not charged or cleared of the charges, cannot be tried by any but the Visitor, whose decision on matters within his jurisdiction is final, and incontro-



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vertible in any court of law, and that, therefore, the Assessors to be appointed by the Visitor can have no voice in the trial and cannot even protest against the decision of the Visitor on any point of the case laid before him by your Board for investigation, and that the Court appointed by your Board does not, therefore, meet the wish of the Alumni for thorough and impartial examination, or the same wish as expressed in the public press.

12. That I am afforded no facilities for substantiating my charges, as I am not to be allowed to employ counsel, and as I have already received an official refusal from the College Board to an application I made with a view of obtaining evidence as to the present state of the instruments, and a similar official refusal from the President of the College to five requests made by me for a similar purpose, so that I am debarred by these Officers from seeing or obtaining copies of documents which I have a right, both as a Professor and an accuser, to have access to.

13. That the evidence taken before the Visitor is not to be made thoroughly public, but retained by the Board of Governors.

14. That your Board, having violated for many years the Statutes Chap. V., Sec 6, and Chap. II., Sec. 14, ordering the annual appointment of a Vice-President and a Proctor, has rendered invalid every degree conferred during the long period of years, namely, sixteen years, during which no Vice-President existed,—for the Statutes, Chap. V., Sec. 6, Chap. IV., Sec. 4, 6, expressly require that the Vice-President shall "see that the exercises are duly performed," and other necessary forms on his part, before any candidate can obtain his degree.

15. That your Board, having for a long period of years violated the Statutes, Chap. V., Sec. 1, 4, there has been no provision made for the auditing of the College accounts in the hands of the Bursar, as ordered by Statutes, Chap. V., Sec. 7.

16. That therefore your Board cannot, consistently with the duty it owes to the Alumni, to the Legislature, and to the public at large, resolve that the charges against the Governors and against the Visitor shall not be investigated.

17. That, unless a free Commission is appointed, to investigate into all the charges and into the general condition of the College, many important matters which demand clearing up will be objected to and not inquired into. Of such matters I must enumerate the following :

- a The McCawley Trust Fund, which is an absolute gift to the College, as can easily be proved by official record, and which is unfettered by any condition permitting the donor to appropriate the interest, when the prize is not given.
- b The state of the College accounts in the hands of the Bursar, which have not been properly audited for years.
- c The manner in which the Bursar allowed a Steward of this College to obtain large quantities of goods from tradesmen in Halifax, when, to the Bursar's knowledge, he had absolutely no means of paying for these goods.

- d* The manner in which the President of the College secured the coming to him of all money paid to this Steward by the students, for several months in advance, while the President was perfectly aware that this officer was already several thousand dollars in debt, and could not pay for any goods he obtained.
- e* The fact of 950 gallons of beer having been consumed in the College during a period of five months (excluding vacations.)
- f* The fact of the examination paper in German, for the Williams Prize in Modern Languages for 1870, having been prepared by the President of the College, and the report on the answers to it signed by the supposed Examiner, as may be seen in the Calendar for 1870. The gentleman who attested a fact which he did not know of himself, and which he attested in the face of a solemn declaration which he was bound by the Statutes to make, was then, and is now, a Governor of the College.
- g* The causes of the small number of students, in spite of the numerous facilities offered by the College for free education.
- h* The fact of the College Museum remaining poorly furnished and uncared for, while the Professor in charge made numerous extensive sales of specimens.—Vide report on Prov. Museum for 1871, p. 65, &c.

Finally, I protest in the name of those students of King's College, who, instead of learning to withstand temptation and evil, have, by want of proper care, seen their lives ruined by the ordeal which they were unable to pass through unscathed.

I have the honor to be,

My Lord and Gentlemen,

Your obedient servant,

F. C. SUMICHRAST,

*Prof. of Mod. Languages.*

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(B)

THE RIGHT REVEREND THE VISITOR OF KING'S COLLEGE AND HIS ASSESSORS:

*My Lord and Gentlemen,*—We have been requested by Professor Sumichrast to appear as witnesses at the Court to be held by you on the 6th current. We have declined the request on the grounds stated in our respective replies to that gentleman, but we consider it due to you and to ourselves that we should explain more fully the reasons which compel us to withhold our testimony.

In the month of March last year, we, being both at the time Governors of King's College, in conjunction with the Rev. John Ambrose, M. A., of Digby, also a Governor, respectfully called the attention of the Visitor to the long continued and habitual neglect of the statutes of the University by the Professors, Officers, and the Board of Governors themselves, as well as to the lamentable results arising from such neglect.

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A Visitation enquiry took place on the 25th day of April, 1871.

The documents relating to the enquiry we now beg leave to present to you arranged in a convenient form, with the necessary references to the statutes infringed.

Some of the infringements having existed for many years, have necessarily exerted a nullifying effect upon numerous statutes relating to degrees, the acts of convocation, the auditing of accounts, and other matters, which we submit can not be remedied by the action of your court, but can only be thoroughly investigated by a committee similar to the one proposed by the Board of Governors in their resolution bearing date April 8th, 1872.

On page twelve of the printed documents you will find a suggestion made by us, namely, that a committee composed of certain persons should be appointed by the Board of Governors in the event of the general truthfulness of our allegations being established to the satisfaction of the Visitor. The Committee, excluding the then Professor of Mathematics, was duly appointed on the 8th May, 1871, and immediately entered upon its duties, and continued engaged in these for several months.

Professor Sumichrast being a member of that committee and secretary of the same, necessarily became familiar with all the details of the subjects coming under the notice of the committee, and is therefore in a position to speak with accuracy respecting the nature and extent of the information we possess with regard to the condition of the College.

It is therefore incumbent upon us in justice to the Professors and to ourselves to call your attention to the following passages in the reports of the committee of which we respectively, in the order of our names as hereto attached, occupied the honorable yet responsible position of Chairman.

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EXTRACTS from "*Preliminary Report of the Committee on Calendar and Constitution of the College.*"

June 8th, 1871.—"It is the duty of the committee to state in as distinct and emphatic a manner as is possible, their decided opinion that all their expectations of good results to be derived from the new Calendar are based upon the assumption and adoption of the Board of Governors of certain changes in the regulations of the College respecting discipline, hereafter noticed, without which, the Calendar in the opinion of this committee would be nothing more than a shameful attempt to palm upon the public an utterly impracticable plan purporting to provide for the proper training, education and culture of youth."

"It is sufficient to state that in the opinion of this committee all rules and regulations are mere idle words unless the following alterations in the building are made."

"The committee regret that they have been constrained in justice to themselves and in view of the solemn responsibility which they have undertaken under instructions from the Board of Governors, to place

upon their minutes the following resolutions respecting the absence of the President from five out of six meetings.

"The committee believe that the proper training and education of youth is one of the highest duties that can be committed to any body of men, while the moral responsibility it involves is of the most grave and weighty character, and for which those who possess influence, authority or power in the matter are strictly responsible.

"*Resolved*, That in bringing their report on the Calendar to a close, this committee feel it incumbent upon them to express their deep regret at the absence of the President of the College from the last three meetings.

"The experience and knowledge possessed by the President in matters relating to College affairs would have afforded the committee great assistance in the onerous duties they have had to perform.

"The Committee further regret that their Report, made under what they consider positive instructions from the Board of Governors, on a subject of the highest importance to the interests of the College, and indeed on which its existence may be said to depend, as well as the interests of those for whom the College authorities are virtually trustees, should be presented to the governing body of the University without the name of the President of the College being attached to it, or any reason being supplied to the committee to enable them to explain to the Board or Governors this extraordinary omission."

Unforeseen circumstances may at any moment cause publicity to be given to these and other documents, and it appears to us that we should be justly liable to censure for withholding them from the knowledge of your body at this juncture, and they supply a sufficient reason for the conscientious expression of our entire concurrence in the opinions so generally entertained at the meeting of the Alumni on the 19th April last, that the investigation into the charges preferred by Professor Sumichrast should be open, serious, and thorough.

We have the honor to be,

My Lord and Gentlemen,

Your obedient servant,

THOS. MAYNARD,  
HENRY G. HIND.

WINDSOR, May 6th, 1872.

### (C)

#### SCHEME OF STUDY PROPOSED BY PROFESSORS, 1870,

*To be substituted for Statutes, Cap. II., 6-9.*

6. Every matriculated student shall be required to pass a public examination, to be called Responsions, in all the subjects lectured on, such as: 1. Classics—one Greek and one Latin book, and Latin writing. 2. Divinity—one Gospel or Acts. 3. Mathematics—Algebra and Eu-

clid; III. to VI., any two books. 4. Chemical Physics—Organic or Inorganic Chemistry. 5. Modern Languages—any one. This examination shall take place at the commencement of Lent term. Any student, &c., &c.

7. Omit all after "ninth term."

8. Every candidate for an ordinary Degree must be examined on two days, in at least two of the subjects on which lectures are delivered by the Professors, as at present arranged.

9. Every candidate for a Degree in honors shall be examined in one or more of the following subjects, at his own choice :

- a Classics—Greek, Sophocles, 7 Plays, Thucydides, 2 books; Latin, Juvenal, Tacitus, 6 books; Cicero de Officiis. Prose and verse composition.
- b Divinity—Hebrew and Greek Scriptures, Evidences, Ecclesiastical History, Systematic Divinity, Church Polity and Liturgy.
- c Mathematics—Algebra, Euclid, Diff. and Integral Calculus, Conic Sections, Mechanics, Optics, Acoustics, Heat, Electricity, Astronomy or Engineering.
- d Chemistry and Nat. History—Chemical Physics, Organic and Inorganic Chemistry, Practical Chemistry, Qualitative Analysis of Compounds and Preparations, Mineralogy, Geology and Botany (any two).
- e Modern Languages—any two.

Modifications in these subjects to be made with the approval of the Board of Discipline.

## (D)

### EXTRACT

*From Professor Sumichrast's letter of March 23rd, published in the Windsor "Mail."*

"Every one who knows anything about King's College knows that for very many years there has reigned there a disregard of Statutes and regulations, and consequently a lamentable want of discipline, which has proved most prejudicial to the welfare of that institution. This fact is so well known, and has been so evident, that the inhabitants of Windsor must naturally have felt considerable surprise and gratefulness at the altered behaviour of the students during the last two terms, standing out, as it does, in strong and honorable contrast to that which characterised former years."

(E)

104 Princess Street, St John, N. B., April 19, 1872.

REV'D. CANON HENSLEY, D. D.

*Rev'd. and Dear Sir,*—It is a subject of deep regret to me, that circumstances have been such as to necessitate my leaving Windsor, just as the charges of prof. Sumichrast were on the point of being thoroughly investigated. In case, however, my evidence should be of any service to you, in the enquiry shortly to be instituted before a committee of the Associate Alumni, I beg to testify in writing that the statements of Professor Sumichrast with reference to the conduct of the Students are strangely at variance with my experience of College life, during the period of well-nigh six years spent at the University of Windsor.

That "drunkenness, gambling, rioting, insubordination and disorder prevail amongst the Students," is an assertion at once so broad and so exaggerated as to cast reflections not upon the character of a few, but of the vast majority of those who have been enrolled as members of the College. Speaking from personal observation, I can most unfeignedly declare that "gambling," in no true sense of the word, has been practised by any of the students, and though in some individual cases, "drunkenness, rioting, insubordination and disorder" have at different times manifested themselves to some slight degree, they have always been checked by the most stringent measures on the part of the board of discipline. Moreover, to speak as Professor Sumichrast has done, of Students being "Seen in broad day reeling and cursing in their drunkenness through the streets of Windsor," would certainly convey to the Public mind an undoubted impression that immoralities of the lowest type have so gained an ascendancy as to make King's College little less than a training school and haunt of intemperance, lawlessness and vice. Let me then assure you that though in exceptional cases Students have exhibited themselves in a state of intoxication in the streets of Windsor—cursing and other blasphemous expressions have been very rarely, *if ever* indulged in by any one member of the University. But in all cases a violation of the Statutes has been visited with severe punishment whenever such violation has been brought to the notice of any of the College authorities.

I am, dear Sir,

Yours very truly

STANLEY BOYD.

(F)

WINDSOR, May 6th, 1872.

*To his Lordship the Visitor and his Assessors :*

MY LORD AND GENTLEMEN,—

I have the honor to appear before your Court at the request of his Lordship the Visitor. Although occupying the responsible position of a Governor of the University and College, yet not being a member of the University, I am exempt from the summons of the Visitor to appear before him, and free to answer or otherwise any questions which may be proposed by your Court.

The respect which I entertain for your Court forbids me to ask permission to retire without an explanation of the reasons which influence me. I venture most respectfully to submit that, having been elected to the office I hold by the Alumni of the University, I am responsible to the Alumni alone for my actions in this matter, except in the event of an infringement of any particular Statute, rule or ordinance with which I might be charged, after having signed the requisite declaration to obey it.

In the present case, having by my vote loyally acquiesced in the action of the Alumni, on the 19th April last, with reference to the appointment of a Committee to investigate thoroughly the charges preferred by one of the Professors against the Visitor, Governors, Professors, and officers of the University and College, I am precluded from replying to questions relating to a part only of those charges, by the resolution of the body, one of whose representatives I am.

I have also respectfully to state to your Court that, being one of three Governors, who, during the past eighteen months, have devoted much time, much anxious thought, and much labor, in an endeavor faithfully and harmoniously to remedy great evils, in part set forth in certain documents now in your possession, entitled, "Documents relating to the Visitation of 1871," which evils subsequent enquiries have proved to be more widespread than we then supposed, I conscientiously believe it to be impossible to separate and isolate the responsibility of the Governors from the responsibilities of the Professors and officers in particular cases.

I do not desire to cast any reflection, whatever, on the Board of Governors for the neglect of certain Statutes, for I hold that it is the bounden duty of the officer representing the College at the Board, duly to bring before the governing body, from time to time, all such requirements as may be necessary for the proper ordering of things, for which he is by Statute responsible to the Board.

I believe it to be just that the wishes of the Incorporated Alumni should be jealously respected. This incorporation comprehends a body of gentlemen who have munificently contributed to the support of the College, who, by Act of the Legislature, elect ten out of thirteen members of the governing body of the University and College, who have, in public meeting assembled, emphatically expressed their opinion that the enquiry into all the charges should be thorough.



Finally, I consider an open enquiry, such as the Alumni suggested, due to those who may have been misled by representations as to the result of the Visitorial investigation of last year into the grave charges embodied in the documents now in your possession. Such an enquiry would also afford to the then accusers an opportunity of vindicating their motives, if thought necessary, in the spirit of the declaration hereto appended ;

" It remains for us to state, on our solemn word of honor, that we are influenced by no other motives in our present action, than a fixed determination to sustain, by every honorable means in our power, the the University of King's College for the present and for future generations. We are aware that it is possible the course we have taken may expose us to the animadversions and reproaches of some of those who are nearly or remotely connected with the College ; for this we are fully prepared, and while we utterly disclaim all personal, private and secret motives or impulses, we shall not hesitate to uphold our purity of purpose in the most public manner, if the necessity should at any time be forced upon us."—Document No 3, p. 2.

I beg to reserve to myself the right of presenting a copy of this document to the members of the Incorporated Alumni, to whom I am responsible for my action in this matter.

I have the honor to be,

My Lord and Gentlemen,

Your obedient servant,

HENRY Y. HIND,

*A Gov. of King's College.*

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(G)

*My Lord and Gentlemen,—*

Having been, on Friday the 3rd May, summoned by your Lordship, as Visitor, to appear to-day before this Court, to answer any interrogatories on your part, I beg respectfully to state that before the receipt of your Lordship's summons, and while in complete ignorance that my presence would be required by your Court, I replied to a letter addressed to me by Professor Sumichrast, the accuser in this case, asking me to attend as a witness on his behalf. I refused to do so, on the ground that the hearty concurrence I gave to the action of the Alumni necessarily operated against my appearing voluntarily before your Court. The same reason, which prevents my giving evidence at Professor Sumichrast's request, prevents my doing more than express very respectfully to your Court my regret that an Alumnus of this College, bound in honor to remain faithful to the policy adopted by the whole meeting of Alumni, which took place on the 19th ult., cannot give evidence before you at your Lordship's summons as long as the cause which stands in the way of my giving evidence at Professor Sumichrast's request, exists.

Further, every member of your Court has now, before him, a copy of a letter addressed to your body by Professor Hind and myself, dated on the 2nd current, in which our reasons for withholding our testimony are more fully detailed.

And finally, I submit that a perusal of the extracts from the Report of the Committee on the Constitution and Calendar, will convince any reasonable person that any enquiry which does not include the action of the Board of Governors must of necessity be thoroughly unsatisfactory.

THOS. MAYNARD.

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(H)

WINDSOR, June 5th, 1871.

*My Lord,—*

We regret to state that on Thursday night last, after the hour of one quarter to eleven, as near as we can learn, three or more students of King's College committed the following outrages :

Broke down Mr. Wiggin's garden gate, and removed the yard gate to the old cellar of Miss Cochran's house.

Removed the bridge in the Academy grounds, and scattered the poles of the gateway in Mr. Murdoch's field.

Removed Mr. Alison's garden gate, and carried it some distance away.

Broke off and carried away the ornamental portion of the pillars of Mr. Hind's garden gates.

Broke off some of the tops of the palings of Mrs. Danielson's fence.

On the night when these depredations were committed, the young men were returning from a party in Windsor.

We do not mention these outrages with any view to punishment, but because, in connection with various other acts, they satisfy us that your Lordship's recent Visitation was utterly fruitless ; that under existing management, the College is in a thoroughly helpless condition as regards discipline, and that the measures proposed by the Committee on the Constitution of the College, or a modification of them, to be submitted at the next meeting of the Board, are absolutely essential for the future preservation of King's College, as a respectable institution for the education and training of youth.

We have the honor to be,

Your Lordship's obed't serv'ts,

THOS. MAYNARD,

HENRY Y. HIND,

Govs. King's College.

[*Note.*—The measure proposed was the alteration of the building, with a view to prevent the exit of students at night.]

## (I)

We have this day examined the halls, staircases, and vacant rooms of the College, as well as some of the occupied rooms, and the offices in the rear. We have found many names, simple incidents and occasional jokes, and a few expressions decidedly objectionable, but very few that could be termed *blasphemous* or *scurrilous*, and such of these latter as we did find were generally in out of the way places, behind doors, &c. We consider that the whole building is remarkably free from such expressions.

J. M. HENSLEY,  
*Vice-President.*  
HENRY HOW,  
*Prof. of Chemistry.*  
STANLEY BOYD.

KING'S COLLEGE, WINDSOR,  
April 6th, 1872.

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## (J)

KING'S COLLEGE, WINDSOR,  
June 10th, 1871.

I placed £100 stg. in the hands of Bishop Inglis before he left this country, to be given in trust to the S. P. G., for the encouragement of Hebrew and Biblical Greek in King's College, N. S., with the understanding that during the continuance of my life, the interest of this sum should be under my control, and be drawn by me for the payment of prizes; or in case these should not be successfully competed for, for such other purposes as I should deem expedient for the good of the College; and if it should appear to me, after a time, that the prize was not answering the objects of its foundation, it should be competent to me to make such modification in the terms and conditions of the prize fund as I should seem to be more conducive to the benefit of the College.

In the exercise of this right of control, always admitted by Bishop Inglis, and Mr. Hawkins, the Secretary of the S. P. G., and never objected to by either of them on any occasion, I sanctioned the appropriation of the interest accruing from the deposit to the increase of the fund, which thus rose to £150 stg., as at present; other portions have been applied to first and second Hebrew premiums, the first of which were won most creditably in 1853.—The examination papers written on that occasion by our students were reviewed, with approbation, by the late Rev. Dr. Todd, Professor of Hebrew, T. C. D., whose note, written after perusal of them, is enclosed, and also by the late eminent Hebraist, Joseph Tedner, Assistant Librarian under Panizzi, of the British Museum. In these and other ways, in following years, the interest has been appropriated up to the end of 1870. I shall direct our Treasurer, Mr. Halliburton, to draw from the interest arising from the fund

since that date, after having first authorized the Treasurer of the S. P. G. to act upon this arrangement with our Treasurer in future.

But I shall claim the right of directing the appropriation of such interest as shall arise, first, to prizes, according to my original intention, if such shall be gained in accordance with the Standard, and if not, to such other beneficial purposes as shall appear to me to be right. I have had a plan, for some time past, in contemplation, to modify the arrangements of the Prize Fund, to adapt it better to the interests of the College. This will probably be soon definitely and permanently settled.

It is to be observed that this deposit with the S. P. G. was never transferred to the control of the Governors of the College; the donor retained the disposal of it in his own hands, to be disbursed at *his discretion*, until he should permanently determine how it should best be appropriated. It is therefore quite evident that "the Committee on the Constitution and Calendar" have nothing whatever to do with the matter, any more than they have a right to interfere with the *Warneford Trust*, which is always absolutely at the disposal of the Bishop. It is, in fact, a *special fund*, not administered by the Society, but administered by the donor, or, at his discretion, transmitted directly to the persons named by him, as the report of the S. P. G. will show.

GEORGE McCawley.

[In reports of the S. P. G., it is entered among the "special funds not administered by the Society, but transmitted direct to the persons named by the donors."—H., N. S.]

### (K)

#### COPY OF STATEMENT READ BY VISITOR

##### *Respecting the McCawley Prize.*

In 1848 Dr. McCawley, wishing to encourage the study of Hebrew, and to provide for it after his own time, gave the late Bishop £100 stg., which was invested in three £50 shares of the Bank of B. N. A., the S. P. G. advancing the balance required, which they were to pay themselves out of the interest accruing (at £7 10s. per annum), so that for a few years there was nothing available for a prize. This was never in the hands of the Governors, and the interest has always been received (not by the Treasurer, but) by the founder, who, when there were sufficiently qualified candidates, adjudged the prize as intended, but there was no provision for the lack of candidates, so that if not drawn by Dr. McCawley the interest would have accumulated through any years in which no prizes were adjudged, and the accumulations of perhaps several years been paid to the next successful candidate, which was certainly not the founder's intention. The Governors could not dispose of the interest in any case, and had, indeed, never been authorized even to draw it, and, consequently, acting upon an understanding with the late Bishop, the President has received the dividends and appropriated them

at his discretion, in the purchase of books, or otherwise in the promotion of this study, in which he has felt a lively interest. There has never been a complaint that anyone that might have obtained this prize has been deterred from competing, and the Governors felt that he who liberally founded the prize might safely be left to deal with it, and that any interference on their part would be very ungenerous. As soon, however, as Dr. McCawley found that this arrangement was deemed objectionable, he gave authority to our Treasurer to receive the half yearly dividends, and he will submit a modified scheme for the appropriation thereof, when there are not sufficient candidates for the prize.

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(L)

17 BUCKINGHAM STREET GATE,  
LONDON, Aug. 3, 1871.

*My Dear Archdeacon,—*

What I did with Sumichrast was simply this: I communicated to him, word by word, the contents of your letter, in which it was intimated that "what was wanted at King's College was a Professor of *Modern* languages; that is, of all modern languages, but who should, at all events, be a *French* and *German* scholar, and thoroughly familiar with English." I told him his salary should be £125, that "he would be *entitled to no fees at College*, "but would receive fees at the Academy." These were your own instructions. I satisfied myself that he was a good French and German scholar, and his testimonials, which I forwarded, seemed to me to leave nothing to be desired as to his character. Besides this, however, I told him what the situation, which was offered to him, had been for me 28 years before. I told him, in the first place, that I had been accommodated with a free residence, and extremely inexpensive boarding in College, so that I had never spent half my salary for my *sustenance*. That in my days there were very few students in the College, and of these few by far the greatest number would have nothing to say to foreign languages, and that the Academy, which was then at a very low ebb, never afforded me any pupils at all. So that all my duties in the two establishments did not take up more than two hours a day twice in the week; that therefore I had ample leisure to attend to classes both in Windsor itself and during the long holidays in Halifax, by means of which my pecuniary resources had been at least doubled. I concluded that during the sixteen months I was in Nova Scotia, I might consider my income to be something like £300 a year. Of course I told him that 28 years might make a great difference in the state of things, both in and out of the College; that *lodgings in the College had not been mentioned, and were, perhaps, not to be had*, and that the number of pupils, both at College and school, might have increased, and the demand for foreign languages with it. On the other hand, I pointed to the fact that Windsor is now in railway communication with Halifax, as an additional means by which the salary might be eked out by employment as a private teacher, lecturer, &c.; at the same time I gave

*all this as mere conjecture, to be realized upon trial, and was quite sure that the College would have nothing to do towards forwarding the Professor's interests in that respect.* Whatever I said was either delivered on your authority, referring to your written terms, or was only given as my impression of what things were, and what they might *possibly* be. Some time ago, I received a letter from Mr. Sumichrast, precisely to the same purpose as your own. He begged me to state all I had said to him. If Mr. Sumichrast will only *produce my letter*, you will see merely a repetition of what I have been writing above. Sumichrast complained not only that the work as foreign Professor was heavier than he had undertaken, that it was heavier than it was in England; but that "he was called upon to lecture on English literature," and, I remember well, even "on the *Classics!*"

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(M)

MARCH 21st, 1872, 1 p.m.

*Present:* The President, Vice-President, Professors How and Oram.

The Professor of Modern Languages declined to attend the Board Meeting on the ground that he had resigned. On the President asking the Professor whether he had anything to say with reference to a charge from Mr. Peters of unpunctuality in coming to lectures, he replied, "Certainly not; the thing falls of itself." He then retired.

The President then read the following notes made by him at the time of the occurrence: "Mr. Peters, when told by the President in the Examination Hall that his certificate had been refused by Prof. Sumichrast, and that therefore he could not be admitted to the Modern Language Examination, replied that *six or seven* times during the present term he went to the Hall when Professor Sumichrast's bell rang, and remained there 10 or 15 minutes, and as the Professor did not arrive, he did not remain any longer. The Professor, who was present, replied that he would require him to state the precise number of times, and to bring proofs of his assertions. Mr. Peters and Mr. Uniacke were then dismissed from the Examination."

The examination of the students was then proceeded with.

Mr. Peters stated that on several occasions (six or seven, five within the number) he came to the Hall and waited ten or fifteen minutes, and then, the Professor not having arrived, he left the Hall. He referred, in corroboration, to Mr. Uniacke and to Mr. Wright, to whose room he went on several occasions, immediately after leaving the Hall.

Mr. Uniacke corroborated the above statement as to three times for certain; on two of them Mr. Peters was present, and left likewise.

Mr. Hind testified to the lateness of the Professor on one occasion, which was caused by himself, he having gone to the Professor's rooms before Lectures, and thus causing a detention; he remembered Mr. Uniacke and Mr. Peters leaving before the Professor's arrival on one occasion.

Mr. Dodwell testified that very often he came at the lecture hour and found the Professor not there, and did not arrive for some time, from 5 to 10

minutes; occasionally he (Mr. D.) went to Mr. Peters' room and waited, returning after ten or fifteen minutes.

Mr. Wright stated that Mr. Peters had several times come up to his rooms and told him that he had left the Hall in consequence of the non-arrival of the Professor at the proper time. Mr. W. also stated that the same thing had frequently occurred last year (1871) in his own experience, when attending the Lectures of the Professor.

The Vice-President then stated that on one occasion, about three weeks ago, he had passed the Hall at nearly half-past one, certainly 1.20 P.M., and had heard a good deal of noise in the Hall, loud talking, &c.; that as he passed, going to his own house, Mr. Uniacke came out of the Hall and ran after him, and spoke to him. He asked Mr. U. if he remembered the circumstance. Mr. U. said he did, and that he, and others of the same class, were then waiting for the Professor.

(Signed)

G. McCawley,  
*President.*

The above is a true extract from the Minutes of the Board of Discipline of King's College.

King's College, Windsor, March 25, 1872.

J. M. Hensley,  
*Vice-President.*

A correct copy, as compared with the books in the Hall.

H. Nova Scotia,  
*Visitor.*

## (N)

At a meeting of the Governors of King's College, on the 12th December, 1870, it was—

*“Resolved,—That the Professors of the College be invested with the authority, and charged with the duties, of Proctors; and likewise with the duty of maintaining discipline within the College, and the precincts thereof, unless formally excused on account of illness,—these duties to be performed by each Professor in monthly rotation, according to seniority.”*

Extract from the minutes.

J. C. COCHRAN, M.A.,  
*Secretary.*

KING'S COLLEGE, WINDSOR,  
Jan. 23rd, 1871.

The Professors of King's College beg to acknowledge the receipt of the Resolution of the Honorable Board of Governors, dated Dec 12th, 1870, investing them with the authority of Proctors, and with the duty of maintaining discipline within the College and the precincts thereof. They wish respectfully to suggest that the terms of the Resolution seem to imply that the Professors have not hitherto attended to the maintenance of discipline, with



which they have always considered themselves invested under Statutes, Cap. VII., sections 1 and 6, on which they have not hesitated to act when occasion required.

J. M. HENSLEY,  
*Professor of Divinity.*

HENRY HOW,  
*Professor of Chemistry.*

JOHN HUNTER, M.A.,  
*Prof. of Mathematics.*

ROUSSY-SUMICHRAST,  
*Prof. Mod. Languages.*

KING'S COLLEGE, WINDSOR,  
March 9th, 1871.

*To the Honorable Board of Governors of King's College :*

The undersigned, Professors of King's College, respectfully acknowledge the receipt of the Resolution of the Hon. Board of Governors, dated 13th ult., conveying to them the gratifying announcement that they have satisfied the Hon. Board as to their knowledge and efficient discharge of their duties, but they cannot understand what further definition those duties required, the Statutes specifying them very clearly.

The said Professors must distinctly decline to take upon themselves the duties of Proctors, as assigned to them by the resolution of Dec. 12th, 1870, which goes directly against the provisions of the Statutes, Cap. II., Sec. 14. They also wish to draw the attention of the Hon. Board to the Statutes, Cap. V., Secs. 3 and 6, which unmistakably point to the President and Vice-President as the officers charged with maintaining discipline within the College.

The said Professors, therefore, desirous of abiding by the Statutes, very respectfully decline to discharge the duties of Proctors within or without College bounds.

The said Professors regret exceedingly being compelled to make this further statement, they having, two months ago, fully expressed their opinions on the subject to the President,\* when the resolution in question was first made known to them.

Respectfully submitted by

HENRY HOW, D.C.L.,  
*Prof. Chemistry & Nat. History.*

JOHN HUNTER, M.A., F.I.S.E.,  
*Prof. Mathematics & Nat. Phil.*

S. R. SUMICHRAST, F.E.I.S.,  
*Professor Modern Languages.*

\* NOTE BY THE PRESIDENT, MARCH 10TH, 1871. — "The President explained to them at the Board, very distinctly, that he preferred very much that they should detail their own reasons for declining the duties assigned to them in their written reply to the Governors. This they avoided doing in their reply, signed by them all, including Dr. Hensley, who has not signed the present paper."

(O)

SATURDAY AFTERNOON.

*My Dear Dr. McCawley,—*

Your letter of yesterday reached me this afternoon. I cannot find, after a pretty thorough search, any of Hamilton's papers. I must have returned them. I am impressed, however, with one fact in connection with these papers, viz., that the language used by me in my report of that year—1870—was not sufficiently strong to mark the superiority of Mr. Hamilton's papers over those of preceding years.

I do not now remember whether or not Liechti saw the papers of 1870. The idea of introducing a passage from some Latin author, to be turned into French, was suggested to me by reading the following from Delille's French Grammar, which I send you :

“A l'examen annuel qui a lieu au collège royal d'Eton pour l'adjudication du prix de langues modernes fondé par S. A. R. monseigneur le prince Albert, on exige en outre que les élèves traduisent par écrit du latin en français. Les passages choisis pour cette traduction sont généralement extraits des œuvres de Cicéron, de Tacite, de Térence ou d'autres auteurs latins.”

Yours very faithfully,

BENJAMIN CURREN.

(P)

KING'S COLLEGE, WINDSOR,

June 29th, 1870.

*Venerable and Dear Sir,—*

It gives me great pleasure to report, with reference to the examination for the General Williams' Prize in French and German, that the papers prepared by Mr. C. Hamilton, the successful competitor this year, exhibit an acquaintance with those languages, not only highly creditable to himself, but particularly so to his old teacher, Henry Stiefelhagen, Esq., Ph. D., for many years the popular and successful Professor of Modern Languages in our College.

I have no hesitation in saying that Mr. Hamilton has passed the best examination in French and German, since the establishment of the Prize.

I have the honor to be,

Yours, &amp;c., &amp;c.,

BENJAMIN CURREN, D.C.L.

The Venerable

The President of King's College.

[Q.]

*Memorandum on the Printed Document laid before Hon. Board of  
Governors of King's College, March 11, 1872.*

KING'S COLLEGE, WINDSOR,  
March 18, 1872.

There is not much to surprise me in the statements affecting myself in the printed documents laid before the Governors at their last meeting, as I was aware last summer of some things that had been said and some writing that had been going on for a purpose *which is now obvious enough*.

In a letter written to the Committee in reply to one asking me for a report on the means of education at my disposal, I mentioned distinctly that I made use of my own specimens in illustrating geology and mineralogy. Therefore it should be considered an advantage that they are in my lecture room.

As regards arrangement, a comparison of the College specimens with my own would shew *any competent person* that the former are the better arranged.

As regards specimens "missing"—34 said to have been found wanting in one collection—I do not know whether "after taking stock" Prof. Sumichrast rendered any report to the Committee under whose directions he proceeded. I know that he told me last summer he could not find two specimens of marble; these I shewed him in the Museum. *Since then till Saturday last I never heard of any specimens having been "missed."* It is to be observed that on being requested by the Committee to give Prof. Sumichrast access to the College specimens, and to place in his hands all lists of them, and to give him information respecting them, I without delay gave him the keys and lists that were handy. I afterwards gave him other lists, reserving none, and I wrote to the Committee expressing my readiness to comply with their wishes.

For a period of about two or three weeks there were only such few of the College specimens as were in my lecture room under *my* charge.

I am not aware of any specimens belonging to the College collections being absent except such as I have sent away as exchanges.

Regarding the writer of the letter who is made a *mystery of*, I believe his name is Sweet, the manager of some plaster quarries at Winkworth. Referring to a paper of mine on the Mineralogy of N. S., now in the hands of the President, it will be seen that I mention having secured certain specimens by having pointed out their characters to the quarrymen and a manager of quarries. These specimens I asked for, I named no collection for which I wanted them, in fact I intended them for *my own* study and use in any way. The letter may have been written in answer to one from Prof. Sumichrast, and I have no doubt it was or else the writer was personally applied to for such a letter. Last summer I saw a letter, written by Prof. Sumichrast to a friend of mine, containing questions which would have required much

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D.C.L.

such a letter in reply had my friend really given any specimens to the College. He expressed to me his sense of the dirtiness of such a trick as that committed by the writer of the letter to him. I infer that Mr. Sweet is the writer of the letter in the printed document, because I gave a copy of that paper of mine referred to, I believe into the hands of the Librarian, to the College Library, and though it was not acknowledged in the Calendar for 1871-2, the name of Sweet appears there as that of a Benefactor of the Museum. When I saw this I understood pretty well how things had been worked. Meeting Mr. Sweet in Windsor I asked him if I had said when I spoke of the specimens that I wanted them for any collection. He said "No, but I did not know but what they were for some collection," or words to that effect. I said I could not help what he thought, I knew very well what I wanted them for. Then he said "but you would have no objection to sharing them with the College." I said "certainly not." And of them some shall be placed in the College cabinet—when I see fit, that is not just now.

As regards Prof. Sumichrast's not recognizing the specimens, I simply laugh at the notion of his being able to recognize them unless each one had a label with a very distinct tale of its name and locality.

If the Governors, or the Bishop, or the President see fit to institute any enquiry, I am ready at any moment to give any information (as I was when the Committee wrote to me last spring) respecting the College Cabinet of Natural History of which alone I am Curator, the Calendar for 1871-2 notwithstanding, to any proper person.

HENRY HOW,

Honorary Curator of the Natural History Specimens in the Museum of the University of King's College.

KING'S COLLEGE, WINDSOR, March 21st, 1872.

My Lord,—

Owing to the communication being so much interrupted it was only last night that I received your Lordship's letter of the 14th inst., and I hasten to reply to it, in the first place thanking you very much for so kindly giving me an opportunity of satisfying your Lordship and the Hon. Board of Governors as to the value of the charges made against me by Prof. Sumichrast in the printed document to which you refer.—The contents of that document I was made aware of by the President's kindness, and before this letter reaches Halifax, I hope your Lordship will have read the Memorandum which I wrote at his suggestion, and which I fancy covers most of the points in the statement affecting me.

I beg your Lordship therefore to consider that Mem. a part of my answer, and I shall now endeavour to meet the charge to which I hardly referred in that Memorandum, and to which your Lordship draws my attention, viz: "that the College collections of minerals, etc., were disregarded and left to ruin, while my private collection is such as to surprise the Visitor by its completeness and the attention bestowed upon it." I have said in that Memorandum, that any competent person

will see, on comparing the two collections, that the College collections are better arranged than my own.

Now, in addition, I must remind your Lordship that the care of the College Natural History specimens was assumed by me with the consent of the President many years ago, in fact soon after I came here, and that there were then only the Almon collection and some, not many, other specimens, these being without names in some instances: the Almon collection was in a cabinet of drawers without locks, the other specimens were, I think, in a cupboard. Your Lordship will recollect that I represented to the Hon. Board of Governors, that there ought to be some more specimens, and I offered to collect some, if my expenses (travelling) were paid: a grant of \$40 was made and I collected a number of fossils and minerals. I got leave to have those 4 table cases made which used to stand in a row in the old Museum, and I placed in them, systematically arranged, specimens from the Almon collection, and a selection of those I had collected. I must mention here that the President objected to the Almon specimens being mixed up with others; I adopted the plan because there is really no arrangement of the specimens in that collection as is obvious on a glance at the catalogue made by Gesner, and I wanted to make the cases show arrangement. I then made exchanges, and donations were made, and the specimens became too numerous for the cases. Under those circumstances what could I do? I tried to make the best illustration I could by selecting specimens of both minerals and fossils, and putting them in the cases; the others were placed in drawers, on the window seats, and wherever else in the old Library I could find space. The Australian collection (in getting which from Sir W. Denison, by the way, I added many specimens of my own to those belonging to the College, for the sake of sending as complete a representation as possible: this fact I have never paraded) and the Arisaig collection, together with many duplicates were in a room off my lecture room where I had shelves put up to place them on: here also was a glass case which I bought for the College, in which I placed as many specimens as I could, especially such as would be injured by dust. Here also were two small boxes, one containing the specimens obtained by exchange from Capt. Anderson, through the President, the other, specimens given by Dr. Cogswell, the whole number of specimens in both could not have exceeded 50 I think. These are the *packing cases* of specimens I suppose, mentioned in two letters written last summer to newspapers, and which are referred to in the document, I think, as boxes left unopened for 7 and 9 years.

You will readily understand, my Lord, that when the committee (Rev. Mr. Maynard and H. Y. Hind, Esq.) wrote that they wished me to give the keys and lists referring to the College Specimens into the hands of Prof. Sumichrast, whom also I was asked to furnish with necessary information as mentioned in the memorandum.) I might well anticipate that such a "perfect chaos" being overhauled by a stranger. But I did not expect what I HAVE RECEIVED months after a report should have been made, and made known to me.

Among the catalogues given to Prof. Sumichrast last summer was one of a collection of 100 geological specimens purchased at my suggestion by the Governors, many years ago; wishing to use these specimens this term, I asked Prof. S. early in the term for the catalogues. He returned them all but the one specified: this he said to me privately, and also before the Board of Discipline I had never given him. The night before last, March 19th, he sent it me, he had found it locked up in the coin-cabinet. I looked over the other catalogues he had returned, and seeing a few marks (or checks) against some numbers, I asked the meaning of them, he said they referred to specimens he could not identify "labels probably dropped off" and he said there were only about half-a-dozen or so. There were also numbers of his adding, I asked what these meant—"Oh, those were done when I thought of numbering all the specimens, this I gave up, found it too much trouble." I may say that I objected to all the College specimens being numbered *seriatim*, because some of them are worthless, and would never be placed in the cases, and duplicates are I fancy never numbered.

The "Entomological collection" was a ruin years before I came, even in 1817. The "Conchological collection" I found here consisted of a heap of shells without name or locality, these I placed on shelves I had made in deep cupboard in the old museum. The "Botanical collection" I found here consisted of an Herbarium which had lain where it was, for all I know, since the year 1817 when it was presented: there were added from time to time as donations a few plants which were all covered up, and each set was kept by itself, i.e., in one parcel. Where, I ask, could these have been displayed? Have I not shown the necessity of some arrangements being made with a view to having the various collections put in order? Did I not propose in conjunction with Dr. Hensley the old Library as a fit place for a Laboratory and Lecture Room and a Museum? Did we not draw out together a rough plan for the purpose of shewing how the room might be divided.

It does not occur to me that I need say more on the subject, I am afraid I have wearied your Lordship, but you will kindly excuse my having done so under the circumstances. Oh! there is one point I have not touched on, it is true that a very few stuffed animals have gone to decay, the fact is they were stuffed only by amateurs, an Indian in one case.

To conclude, let it be remembered that the specimens have been for years in rooms to which others besides myself have had access, that only some of them were in cases of which I had the keys, that for about two or three weeks last year nearly all the specimens were out of my charge; that all information was offered last spring; that no report so far as I know, was made; that, at this moment, there are 24 cases containing, or to contain, College specimens, all opening with one and the same key (there being 24 such keys of which I have but one) in the Library, and then let me not be made solely responsible for specimens concerning which I have had so much trouble, legitimate and illegitimate: of the former I do not complain, the latter induced

me last summer to contemplate asking the Hon. Board of Governors to relieve me of my burdensome charge, but I thought I would not complicate matters, trusting that I should be left with proper supervision only eventually, and knowing I could be of service to the College in the capacity of Honorary Curator of the Natural History Specimens in the Museum.

I have the honor to be,

My Lord,

Your most obedient servant,

HENRY HOW.

The Right Reverend,

The Lord Bishop of Nova Scotia,

Chairman of the Board of Governors,

And Visitor of the University.

[R.]

KING'S COLLEGE, September 27th, 1871.

*My Dear Dr. How,—*

I have received positive information that instead of acting towards me as you should have acted towards a brother Professor in temporary embarrassments, you have adopted a course which has been instrumental in raising manifold difficulties in the way of a satisfactory settlement between myself and my creditors. I must now inform you that, unless you at once desist from pursuing this course, I shall be compelled to expose certain ugly facts, of which I have written proofs, and which relate in PART to the Museum present and *past*. I do not wish to do so, and I leave it to your cool judgment to decide whether it will be well for you to provoke and hurry on such an exposure. Rest assured, however, in case you do not at once undo the mischief you have done, and refrain from doing more, that whatever may be the result of any legal action on the part of any of my creditors, it cannot destroy the facts I possess, or impair the effect they would have, should you compel me to use them with the thoroughness which, you may be sure, would be a marked feature of my proceedings.

Believe me,

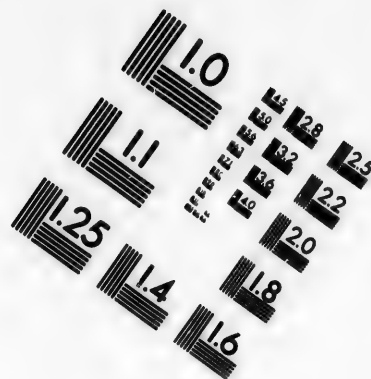
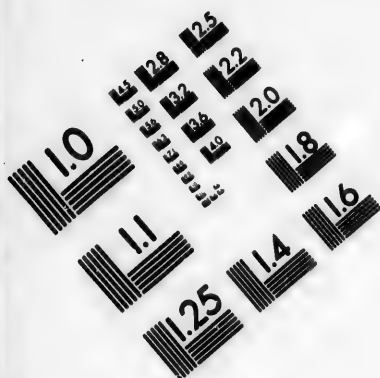
Very sincerely yours,

F. C. SUMICHRIST.

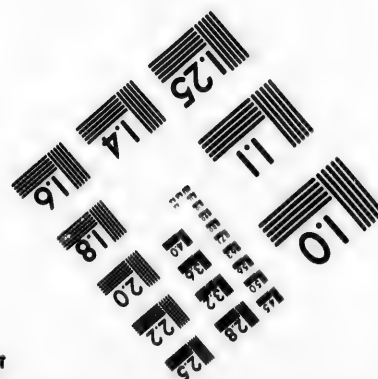
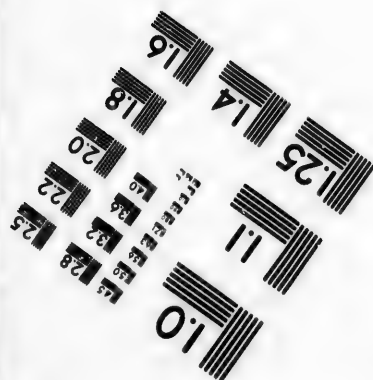
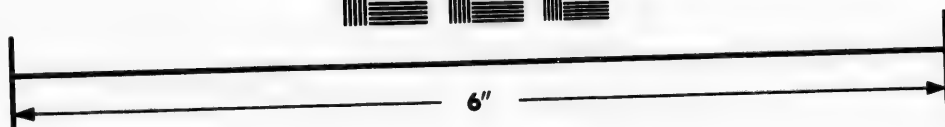
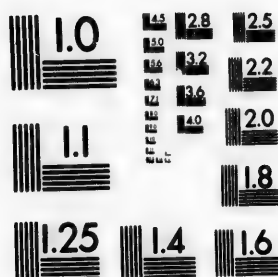
[The writer of the foregoing gave it into my hands; he was told there was some mistake,—that I had not done as said; he remarked that he had found it necessary to be on his guard against everybody; he would not name his "ugly facts," but preferred to keep them in reserve. I said I had no such influence as he alluded to. Shortly afterwards—a day or two—he expressed himself fully satisfied that I had not acted as according to "his positive information" and said all he wanted now was "friendship and peace." When asked if any report had been made by him about Museum, he said, "Oh, all I said was, 'I did the work allotted to me, or some such thing.'" Since







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then, about 30th September, 1871, till March 16th, 1872, when I learned about his document to Governors, I never heard a word respecting his work in Museum.]

March 24, 1872.

HENRY HOW.

[S.]

WENTWORTH, Aug. 2, 1871.

PROFESSOR SUMICHRIST, King's College, Windsor:

*Dear Sir,*—In reply to your favor, I have to state that at various times I have sent to Dr. How, for the College Museum, specimens of different minerals from the plaster of the Wentworth quarries, and I have instructed my workmen to preserve any fine samples of Crystals for the same purpose. I cannot say how many specimens I have sent, but shall be quite satisfied if you mention my name as having been a contributor to the valuable Museum of King's College.

Yours truly,

SAMUEL H. SWEET

[T.]

# LIST OF INSTRUMENTS AND APPARATUS IN COLLEGE.

FURNISHED BY PROFESSOR ORAM ACCORDING TO THE REQUEST OF THE PRESIDENT, 22ND MARCH, 1872.

With respect to the apparatus connected with the subjects taught by myself, I have shown, by statements laid before the Hon. Board of Governors at various times, and by a report to Committee of Resident Governors of 1871, that, while certain additions and repairs are desirable, there is at my disposal means of giving very fair illustrations in the various Sciences I teach.

HENRY HOW,

Professor of Chemistry and Nat. Hist.

March 25, 1872.

The two Theodolites in this list were in the Library before 1817; they were probably presented, together with the *Altazimuth* instrument, by Sir John Wentworth, the Lieut-Governor. The latter instrument cost £250 stg., according to tradition; the *Transit, Sextant, and Art. Horizon Magnets, Planetarium*, and other instruments, to the value of £500 in all, as was stated at the time, were imported on the selection of Professor Morton, of Cambridge, about the year 1824. Some years subsequently, in Mr. Stevenson's incumbency, he was authorized to go to the United States, and select instruments and apparatus to the amount of £150. A few have been since added, I believe, for Dr. How's department.

GEORGE MCCAWLEY,

President.

*List of Instruments attached to the Nat. Philosophy Department of  
King's College, Windsor, N. S.*

OPTICAL INSTRUMENTS.

- 1 Carey's  $2\frac{1}{4}$  inch aperture Achromatic Telescope, with 4 eye-pieces, and dark glass, (in good order.)
- 1 Ramsden's Transit Instrument, with Telescope of  $1\frac{1}{2}$ -inch aperture, 2 eye-pieces, and detached spirit-level, (in good order.)
- 1 Ramsden's Alt-azimuth, with Telescope of  $1\frac{1}{4}$  inch aperture, 4 eye-pieces, (diaphragm wires broken and generally rusty.)
- 1 Quadrant—Jones'—(in good order.)
- 1 Sextant and Artificial Horizon, (in perfect order.)
- 2 Theodolites and Tripods, (both quite useless.)
- 1 Camera Lucida, with lenses and dark glass, (in perfect order.)
- 1 Solar Microscope—Carey—(one double convex lens and two double concave lenses missing; remainder in good order.)
- 1 Magic Lantern, (lamp broken; lenses in good order.)
- 12 Astronomical Slides, (3 broken.)
- 1 Copper Slide.
- 1 Pictorial Slide.

INSTRUMENTS FOR ILLUSTRATING MECHANICS.

- 6 Models of Smeaton's Blocks, (in good order.)
- 1 " Burton's " " "
- 1 set of Models of Levers, (in good order.)
- 2 Apparatus for showing motions of cone on inclined rods, (cone broken.)
- 1 Apparatus for showing equilibrium of bodies on inclined plane, (in perfect order.)
- 6 Models for showing C. G., (in good order.)
- 3 Models of Oblate and Prolate Spheroids and cone, respectively, (in good order.)
- 1 Apparatus for showing composition of velocities, (in good order.)
- 1 Whirling table with four adjuncts for showing Centrifugal force, (in perfect order.)
- 1 Apparatus with cogged wheels for showing effect of Centrifugal force, (in perfect order.)
- 1 Apparatus for showing effect of impact and momentum, (in perfect order.)
- 1 Apparatus for showing motion of projectiles, (in perfect order.)
- 1 Plane table for showing equilibrium of Statical Forces, (in perfect order.)
- 1 Model of Hunterian Screw, (in perfect order.)
- 1 Model of Endless Screw, and Friction Wheels—for Attwood's Machine—(in perfect order.)
- 1 Stand for Attwood's Machine, (in perfect order.)
- 16 Weights, from  $\frac{1}{4}$  oz. to 24 oz.
- 2 Single Pulleys.
- 1 Cone showing conic sections, (perfect.)
- 1 Model of "Leaning Tower," (in good order.)

INSTRUMENTS FOR ILLUSTRATING HYDROSTATICS.

- 1 Model of Hydraulic Press, (in good order.)
- 1 Apparatus for showing parabolic path of water issuing from an orifice (2 legs broken, but in good working order.)
- 1 Apparatus for showing pressure of water on base, (in good order.)
- 1 Screw of Archimedes, (broken.)
- 1 Hero's Fountain, (out of order, corroded.)
- 1 Intermittent Syphon, (in good order.)
- 1 Model of Diving Bell (in good order.)
- 1 Model of Fire Engine (destroyed, quite useless.)
- 1 Hydrostatic Bellows (in good order.)

- 1 Apparatus for shewing expansive force of water (perfect.)

#### METEOROLOGICAL INSTRUMENTS.

- 2 Barometers with attached Thermometers, Carey, (tube of one loose, the other in good working order.)  
 1 Self-registering Barometer, Admiral Milne (Clock out of order).  
 1 Apparatus for observing Atmospheric Electricity (out of order).  
 1 Mountain Barometer in leather case (tube broken).  
 1 Wheel Barometer (all broken but attached Thermometer).  
 1 Apparatus for shewing pressure of wind (in good order).  
 1 Anemometer (in good order).

#### ELECTRICAL INSTRUMENTS.

- 1 Leyden jar (broken).  
 1 Model shewing effect of lightning conductor (imperfect).  
 1 Electrical See-Saw (in good order).  
 1 " Sportsman (in good).  
 1 Discharger (in good order).

#### VARIOUS.

- 1 Working model of Locomotive (completely destroyed).  
 1 Working model of stationary Engine (out of order).  
 1 Pentagraph (in good order).  
 1 Astronomical Clock, (pinion broken).  
 1 Condensing Syringe (valves out of order)  
 1 Planetarium (in good order).  
 1 Dutch Clock (parts missing).  
 1 Spring Trigger in good (order).  
 The above is a correct statement of the condition in which I find the apparatus.  
 Which I certify,

JOHN E. ORAM,  
 Prof. of Mathematics, &c.

March 22nd, 1872.

(U)

KING'S COLLEGE, WINDSOR.

#### MATRICULA.

The alleged irregularities in the Matricula had arisen principally from the different modes in which the admission should be made, as from time to time altered by Statute or otherwise; but the Matricula, as completed from the written memoranda made on the admission of students, contains a correct list of all who have been admitted to the College as far as the present officers are concerned, to the best of their knowledge and belief.

The President, and, as his deputies, the Vice-Presidents for the time being, have all matriculated students, as Mr. Stevenson, Mr. Bainbridge Smith, and Dr. Hensley, who furnished respectively their memoranda to the President, and he afterwards entered the names in the book.

The first system was by oaths administered on matriculation; this was altered afterwards to an affirmation only; then signing their own names on Matricula was required; then subscription to declaration, which is now scrupulously observed, with all the other recommendations of the Visitor at his Visitation last year, and it is hoped that no further alterations will be necessary in this system in future.

## (V)

KING'S COLLEGE, WINDSOR,  
March 5th, 1872.

*My Dear Lord Bishop,—*

I am sorry to trouble you again about the Library, and my connection with it, but I think that the recent Report of the Librarian, on the work done by him in the Library, and which is now in your Lordship's hands, makes some remarks necessary from me in self-defence. I feel this to be all the more necessary because several of the members of the Board of Governors have only been on the Board for a short time, and may not therefore be acquainted with the true state of the case. The report referred to displays so much ignorance of the past history of the Library that it might create a very wrong impression. I therefore beg to submit the following account of the Library during my tenure of the office of Librarian, a period of over seventeen years.

At the time of my appointment, early in 1854, no Catalogue existed, except one made early in the century, when the books were very few in number; the arrangement of the books also were very faulty, and the bookcases themselves only plain boards. In the following year I devoted a great deal of time to the arrangement of the books, in which I received much assistance from Professors Hill and How. The book-cases were painted and otherwise improved, and reading-desks were constructed between the windows. I then applied myself to the preparation of a Catalogue, in doing which, I contented myself, in general, with entering each book by the title on its back. This Catalogue I completed in the course of the year, and I send it down that the Board may see its nature. I admit its imperfections, but it was very useful in the Library, and might have been easily improved. The number of books was then 4591. The Board of Governors, however, preferred to employ Rev. Mr. Maturin to draw up a Catalogue, in doing which he made much use of mine. For this Catalogue he received the sum of £25. It is still in our possession, and exhibits a great deal of care and research, but it was never of much use in the Library, owing to the numerous erasures and transpositions it contains.

I soon found that for working purposes another copy would be necessary, which I commenced shortly after, entering at the end of Maturin's Catalogue, such new books as we received from time to time, and referring them by numbers to their proper places. Owing to my numerous occupations for the next few years, during which I frequently conducted two, and sometimes three sets of lectures, the work proceeded but slowly; but I had brought it down to the letter O, when I was again interrupted by the completion of the new library, and the necessity of moving the books thither. I also forward this catalogue, as far as I carried it. I had succeeded in removing and arranging about three-fourths of the books, when I experienced the violent rheumatic attack from the effects of which I am still suffering. The remainder of the



books were subsequently taken down, at my request, by some of the students, and were placed, without regular arrangement, on the shelves of the new Library, in which condition they were up to this time last year, when they were put in order by Professors Hunter and Sumichrast, assisted by some of the students. This arrangement is, in the main, that which now exists in the Library, the greater part of the books remaining in the places in which they were put by me. A number of Reports, &c., of religious Societies, sent in 1868 by Dr. Aikins, were, by his direction, left in the barrel in which they came until we were ready to place them, and have since been put on the shelves. Owing to the effects of several severe storms, by which our windows were shattered, some pieces of glass may have found their way into some of the shelves, and on one shelf a number of spare slates were piled; in addition to this, during the fitting up of the Library last spring, a great deal of plaster was scraped off the walls and fell among the books, and it is to these, I presume, that the Librarian refers in his Report. With reference to the more than 300 volumes restored to the Library, I need only say that they appear to have been nearly all taken out by persons possessing keys of the Library, and that there is no reason to suppose they would have been lost to the Library. Of the 34 volumes still missing, I know nothing; as far as my memory serves, only some 5 or 6 of the missing books were ever taken out while I was Librarian, and they were subsequently returned. No Librarian, under our existing regulations, can be responsible except for those books which he gives out himself.

In conclusion, I beg to draw your Lordship's attention to the fact that statements connected with the Library, tending to my disparagement, have been industriously circulated for the past twelvemonth, and my sudden dismissal from the office of Librarian, seemed to many of my friends to intimate that the Board of Governors were disposed to believe them. I am glad to learn from your Lordship that such was not the case, but I think it only due to myself to forward the above vindication of my conduct, and it would afford me much satisfaction if I could obtain some formal declaration which I could make use of against the attacks to which I have been subjected.

Your Lordship's faithfully,

J. M. HENSLEY.

The Right Reverend

The Lord Bishop of Nova Scotia.

### (W)

#### RESOLUTION BY GOVERNORS OF KING'S COLLEGE.

Having examined the Catalogue of Books in the Library of King's College, prepared by the late Librarian to the end of letter O, and then interrupted by his serious and protracted illness, the Governors regret that they had not been made acquainted with its existence before giving

directions for the preparation of another Catalogue, which appears to have been, to a great extent, copied from it. They desire, at the same time, to record their sense of the care and diligence of Dr. Hensley, in completing such a Catalogue of his own accord, without fee or reward, in removing the greater part of the books from the old to the new Library, and in performing the duties of Librarian for a series of years, until, in consequence of his continued ill health, they felt bound to relieve him of the labor and responsibility of that office, which would have been increased by the requirements of the new Library.

## (X)

KING'S COLLEGE, WINDSOR, 28rd May, 1872.

*To the Lord Bishop of Nova Scotia, Visitor of King's College, and President of the Board of Governors.*

*My Lord,*

In compliance with your request contained in letter of date 16th inst., I have the honour to submit the following remarks on Dr. Hensley's statement on the Library, of date March 5th, 1872, and to make the following answers to the questions addressed to me as Librarian by your Lordship.

I must first, therefore, object to the following passage in the statement. "The Report referred to," (viz. my Report of date 17th Feb., 1872, on work done by me in the Library since my appointment in May, 1871.) "displays so much ignorance of the past history of the Library that it might create a wrong impression." My report does not contain one word referring to aught else than the state of the Library when I was appointed Librarian, and to the work I have done in it since. I cannot allow the late Librarian to state that I display ignorance of that part of the history of the Library. There is no reference in that report to Dr. Hensley's management—it is a simple and truthful statement of facts.

I do not wish to comment upon the past history of the Library as given by Dr. Hensley, up to the compiling of Mr. Maturin's catalogue. I know little of it, and he is undoubtedly an authority on that part of the subject. But as he refers to the catalogue made by Mr. Maturin, and states that "it was never of much use in the Library, owing to the numerous erasures and transpositions it contains," I wish to ask where the *fair copy* of that catalogue is, as the copy I have used is only a rough draft.

The putting "in order by Professors Hunter and Sumichrast, assisted by some of the students," was limited to the books in the Mathematical and Modern Languages Departments, two of the smallest in the Library. The arrangement eventually proved to have been but partial, for, as stated in my report, when I came to take stock I had a great deal of trouble in collecting the works on similar subjects.

"The Reports, i. e., of Religious Societies, sent in 1868 by Dr. Akins," were left in the barrel in spite of there being ample room on many the shelves Dr. Akins repeatedly stated to me his regret that such reports should not have been taken care of. They were put on the shelves and arranged in proper order by me, (vide report of 17th Feb., 1872) and not by Dr. Hensley, as would be inferred from his statement.

Many pieces of broken glass were mixed up with a heap of books and pamphlets in the cases A. and I. respectively. They did not all come from broken windows, some being apparently spare panes of glass to be used for mending. The slates were not confined to "one shelf," they were found in both the cases marked above. Many of these slates were broken, and whether spare slates or not, had no business there, as a place had been set apart for them on the outside of the Library. The plaster and broken bricks referred to did not come from "the fitting up of the Library last spring," but from the defective gable, the bad state of which (vide Visitor's Report on Visitation, 1871) was due "to the manifest neglect of the Bursar," the Bursar at that time being also Librarian.

As regards the volumes restored to the Library, there is reason for supposing that some might not have been returned, for a large number were returned secretly and in my absence, and only after Mr. Maturin's catalogue was found, and this, although nearly three weeks elapsed between the date of the Visitation and the date of my taking stock with Mr. Maturin's catalogue. It is fair to conclude that all these volumes might not have been returned, since nothing was said at the Visitation by the person in whose possession they were, even though the late Librarian was at a loss how to account for the difference. And further that it is impossible, owing to the deficient ordering of the Library and the evident previously imperfect mode of recording books, to tell how many books are or are not wanting from the Library, as the following figures show:—

Total No. of books in 1856, according to Maturin's catalogue.....	4923.
" " of additions (in Dr. Hensley's handwriting) up to end of 1867.....	381.
" " of additions since 1867, including 6 in 1867 not recorded by Dr. Hensley. v. Cal., 1867-1870.....	173.

Total No. vols. actually on record as in the Library in 1871.....	5477.
" " " counted in Library on 15th April, 1871.....	5500.
" " " above No. recorded.....	177.

But the numbers according to the exact reckoning in my catalogue are different:

Total No. of books in 1872, according to Sumichrast's catalogue...	6191.
Of this No. only 208 have been added by gifts since count, on 15th 203.	

April, 1871, so that there have been returned 5888.	
since that date at least 388 vols.....	5500.

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388 volumes were certainly missing, and this is a large number to be lost in 16 years out of a collection of 6000 volumes.

I cannot undertake to say that there are really no more volumes missing. I find the official report of 1869 sets down the number in the Library at 6186, while with all the additions since then, consisting last year of 203 volumes, I can only obtain the sum of 6191 in 1872, three years later.

I now proceed to answer the questions put by your Lordship :

1st *Quest.*—"What is to be inferred from statements of the number of books issued in each year?"

*Ans.*—If in a year when there were many students there is but a small statement of books issued, the inference is that either the opportunities of obtaining books were singularly restricted, or that the registration was not regular. If in a year when there were few students the force of the inference may be diminished, but not very greatly.

2nd *Quest.*—"Can the Librarian be responsible for the books taken out while so many persons are allowed by Statute to have keys of the Library?"

*Ans.*—The Librarian can only be responsible for the books given out by himself. I prepared for the Resident Governors last year a note of the duties of a proposed permanent Library Committee. Among other matters I drew attention to the need of rules for the management of the Library; one rule to be that every book going out or coming in should pass through the Librarian's hands. But if the Librarian neglects to register every book which he gives out himself, he must be held responsible. In the case of the large number of volumes returned last year, I hold the responsibility to rest on the Officers who had them out, and especially on the President, who alone had more than all the other Officers of the College, and who was the chief violator of Statute Cap. vi., Sec. 4., which orders the Registration of books, and who, at the Visitation, breathed not a word of having such a large collection of Library books, over one hundred, in his possession.

3rd *Quest.*—"Do you think 34 vols. to be a large number unaccounted for out of about 6000 vols. in the course of 16 years?"

*Ans.*—I have shown in my remarks on Dr. Hensley's statement that 34 is not the number of vols. now missing, but an indefinite and probably much larger one.

Taking the official return of 1869, viz : 6186, and adding to it the recorded 219 volumes added from that time to this, we obtain 214 as the number of vols. still unaccounted for. Whether we take the number of 388 unaccounted for last year or the number of 214 unaccounted for now, the loss is far too great.

4th *Quest.*—"Can you say what was the value of the coins missing when you compared the list?"

*Ans.*—I am not sufficiently versed in numismatics to state the value of the missing coins. I should opine, however, that the two gold coins were worth at least half a guinea each.

5th *Quest.*—"Have any coins been added to the collection since you became Librarian, and if so to what extent?"

*Ans.*—Two have been added, one of copper, another of brass. The President sent me, shortly after my appointment, a number of coins presented at some anterior date, which, he stated, he had retained till a safe place could be found for them, so that he evidently did not consider the cabinet of coins in its former place and under its former management secure.

I desire in conclusion to draw your Lordship's attention to my report on the Library of date 17th February, 1872, and to state that the

catalogue I made was not in any part copied from Dr. Hensley's, which I did not use, but solely from Mr. Maturin's and from my own original notes.

I have the honour to be, my Lord,

Your obedt. servt.,

F. A. SUMICHRAST.

(Y)

KING'S COLLEGE, WINDSOR,  
May 28th, 1872.

*My Dear Lord Bishop,—*

The letter of Mr. Sumichrast, of May 23rd, 1872, needs little notice from me, beyond the pointing out of a few inaccuracies and inconsistencies.

As to the *fair copy* of Mr. Maturin's Catalogue, your Lordship knows that we never had any copy but the present one.

The insinuation against the President, that some of the volumes taken out by him "might not have been returned," is characteristic of its author. I leave it to the President to meet it, if he thinks it worthy of notice.

The number, "177 above number recorded," must surely be a mistake for 23.

I draw your Lordship's attention to the perversion of 388 volumes *taken out but not returned*, first into 388 volumes *missing*, and then into the same number *lost*.

The number of books given in the official Reports for 1866 and subsequent years was, as I stated at your Lordship's Visitation, from guess, and not from actual counting; and I maintain that the guess was a very good one, since, at the furthest, it was within 200 of the real number, and if the different copies of the same works were counted, it would probably be within 30 or 40.

In the answer to a 2., Mr. Sumichrast speaks of the President as having over one hundred Library books in his possession. In his printed letter he puts the number much higher, from 240 to 300.

The absurd inference in answer to a 3, as to the number of books lost, I have already disposed of in my remarks on the Official Reports.

Your Lordship will remember that the Governors themselves drew the very obvious inference, from the documents, that Mr. Sumichrast had copied from my Catalogue. But I cannot understand in what sense he employs the word *use* in the last sentence of his letter, when I remember that he assured me last summer that he had found it—my Catalogue—very *useful*, and when I find in various parts of my Catalogue evident tokens that he made diligent use of it, and even ventured to correct it where he thought it inaccurate or deficient.

Your Lordship's faithfully,

J. M. HENSLEY.

The Right Reverend

The Lord Bishop of Nova Scotia.

(Z)

KING'S COLLEGE, April 29th, 1872.

Dear Sir,—

I beg you will have the kindness to inform me by return of mail—

1st—Who is to appoint the reporter named in the resolution published to-day, and have I the privilege of obtaining one, if I see fit?

2nd—Is the enquiry to be conducted with closed doors, or in a public manner?

3rd—Am I to be permitted the assistance of counsel?

4th—What facilities am I to be afforded for substantiating the charges I have made?

I make this last inquiry in consequence of having already asked to inspect the instruments in their present state, and having been refused permission to do so.

I have the honor to be,

Your obedient servant,

F. C. SUMICHRAST.

The Rev. J. C. COCHRAN, M.A.,

*Sec'y of Board of Governors of King's College.*


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The following resolution was accidentally omitted at the foot of p. 18 :

11th March, 1872.

At a meeting of the Governors of King's College, it was—

“Resolved, That Professor Sumichrast having signified his wish to resign his office as Professor of Modern Languages, his connection with the College shall cease on the 30th day of June next—such notice being in conformity with the terms on which Mr. Antonio Gallenga, of London, was authorized to engage his services.”

Extract from the minutes.

J. C. COCHRAN, M.A.,  
*Secretary.*

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**ENQUIRY**  
 INTO THE AFFAIRS OF  
**KING'S COLLEGE, WINDSOR.**

**FIRST SERIES.**

**DOCUMENTS RELATING TO THE VISITATION IN 1871.**

"It remains for us to state on our solemn word of honor, that we are influenced by no other motives in our present action than a fixed determination to sustain by every honorable means in our power the University of King's College for the present and for future generations. We are aware that it is possible the course we have taken may expose us to the animadversions and reproaches of some of those who are nearly or remotely connected with the College; for this we are fully prepared; and while we utterly disclaim all personal, private and secret motives or impulses, we shall not hesitate to uphold our purity of purpose in the most public manner, if the necessity should at any time be forced upon us."—(*Vide Document No. III, page 11.*)

**No. I.**

**REQUISITION.**

TO THE LORD BISHOP OF NOVA SCOTIA, VISITOR OF THE UNIVERSITY OF  
 KING'S COLLEGE:—

We the undersigned Governors of King's College, respectfully call your Lordship's attention to the condition of the University of King's College.

We state and are prepared to prove that in ten material and important points the Statutes of the University are disregarded or infringed, and in consequence, the College has fallen into a disreputable condition especially in respect of discipline.

We state that in consequence of this disregard of the Statutes, the Library, Philosophical Instruments, Museum, Library building, and College building are grievously damaged, and that this condition of the affairs of the College has a most depressing influence on some of the professors and on some of the students, and that it is more or less known in Windsor and throughout the Province.

We state that there is no material reason why the College should not at the present time, be filled with orderly students, but the long continued and habitual neglect of the statutes, and consequently of order, discipline and proper instruction.

We therefore respectfully request your Lordship, as Visitor to hold at your Lordship's earliest convenience, a Court of Enquiry, in accordance with



Sec. 2, Cap. I,\* into the present condition of the University and College. We also respectfully request that with a view to unfettered investigation no person holding office in the University or College to which pecuniary emolument is attached, be a member of, or present at, your Lordship's Court of Enquiry, except for the purpose of being examined by your Lordship.

We append a list of the Statutes which are disregarded or infringed, with brief comments and notes on the consequences of the infringement.

We have the honor to be

Your Lordship's obedient servants,

THOS. MAYNARD, M. A.,  
*Rector of Windsor.*

JOHN AMBROSE, M. A.,  
*Rector of Digby,*

HENRY Y. HIND, M. A.

*Governors of the University of King's College.*

Windsor, March 13th, 1871-

1. Cap. II. Sec. 5, † The delivery of Lectures and the attendance of Students at lectures, is very irregular. No record is kept of the attendance of Students at lectures, as provided by the statutes, consequently discipline is not maintained nor suitable instruction secured.

2. Cap. II. Sec. 14. ‡ No Proctor having been appointed by the Governors at the commencement of the Academic year, discipline outside of the College walls has been injuriously relaxed.

3. Cap. III. Sec. 1. § The Professors are required to subscribe declaration No. 2 in the Appendix: this has not been done with regard to the Professor of Mathematics and the Professor of Modern Languages, They are there-

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\* "The Lord Bishop of Nova Scotia, for the time being, is Visitor of the same. It is his office to take care that the statutes are observed. He may summon before him, within the College, the President, Professors, and all other members of the University or College, and examine them touching all matters whatsoever, relating to the University and College, or any of its officers or members, and more particularly as to their religious principles and behavior. He may admonish offenders, either publicly or privately, but shall not inflict any further punishment without the consent and concurrence of the Governors, or the major part of them." Statutes Cap. I., Sec. II.

† "Residence shall be kept by attendance at the appointed Lectures, and by entering the name daily in a book to be provided for that purpose." Statutes, Cap. II., Sec. 5.

‡ "A Proctor shall be appointed annually by the Governors, whose duty it shall be to take care that the Statutes are not transgressed in the town or neighborhood outside of the College."—Statutes, Cap. II., Sec. 14.

§ "There shall be at least four Professors, of whom one shall be the President, and two others Fellows of the College. They shall subscribe the Declaration No. 2 in the Appendix."—Statutes, Cap. III., Sec. 1

"I, A. B., do solemnly declare that I will perform all the duties of the office of—, to which I am appointed, according to the Statutes of the University or College of Windsor, to the best of my judgment and ability." Appendix to Statutes. Declaration No. 2.

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4. Cap. V. Sec. 6.\* There being no Vice-President appointed by the Governors, the whole internal discipline of the College has fallen into a disreputable state,

5. Cap. V. Sec. 7.† The Bursar having been, unhappily, made incapable of active exertion, through prolonged illness [for upwards of a year] his duties connected with the domestic arrangements of the College, the repair of the College buildings and the charge of the moveable property of the College, have been neglected and much disorder and dissatisfaction have occurred in the domestic arrangements and much damage done to the buildings and moveable property of the College.

6. Cap. VI. Sec. 1. Refers to the duties of the Librarian and the Museum, both of which have been grievously neglected, and in consequence of this neglect many books and pictures are injured or astray. The new Library building is in danger of being seriously injured. Some of the valuable philosophical instruments and apparatus are broken, or out of order; some coins are missing; nearly the whole of the natural history specimens are hopelessly ruined, and the minerals and fossils are in utter disarrangement. The Museum is a picture of disorder and neglect.‡

7. Cap. VI. Sec. 2.§ This Statute with respect to the Library is ignored or disregarded in so far as that persons have access to the library without having signed the declaration referred to

8. Cap. VI. Sec. 3. This Statute is wholly disregarded.

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\* "The Vice-President shall be nominated by the Governors, annually. He shall reside in the College, and perform the duties of Dean, and shall be charged to watch over the morals and general behaviour of the Students within the College; he shall see that the exercises are duly performed, and that the Chapel and Hall are regularly attended." Statutes, Cap. V., Sec. 6.

† "The Bursar shall be one of the Fellows nominated to this office by the Governors. He shall keep the accounts, which shall be audited at the end of every term by the President and Fellows, and shall be open at all times to the inspection of the Governors. He shall receive all payments due from the members of the University and College, and shall pay the servants, all of whom shall be immediately subject to his control. He shall superintend all domestic arrangements, and have charge of the buildings and moveable property of the College." Cap. V., Sec. 7.

‡ "A Librarian, and also if requisite a Sub-Librarian, shall be appointed by the Governors, whose duty it shall be to take charge of the Library and of all things contained in it, whether books, manuscripts, or apparatus, and they with the President and Professors shall be the only persons entrusted with the keys of cases and closets in which valuable manuscripts, medals, coins, or other things liable to injury may be locked up." Statutes, Cap. VI., Sec. 1.

§ "The Governors and all officers and graduates who have signed the declaration in Appendix No. 3, may have a key of the Library, and take out books at any time." Statutes, Cap. VI., Sec. 1.

"I, A. B., do solemnly declare, that I will observe all the Statutes and Regulations respecting the Library of King's College, Windsor, and I will not lend any of the Library books, and I will be careful so to use them that they may not be injured whilst in my possession; and I will endeavor, to the utmost of my power, to prevent any other person injuring the books or anything belonging to the Library." Appendix to the Statutes, Declaration No. III.

9. Cap. V, Sec. 3. The Statute which states that it shall be the duty of the President to exercise a general superintendence over every department of the College, is ignored as evinced by the existence of eight infringements of the Statutes recorded in the preceding paragraphs.

10. Cap VII, Sec. 1. This Statute is rendered ineffective because the officers whose duty it is to take note of irregularities and violations of rules inside and outside of the College, namely, the Vice-President and the Proctor, have not existed during the present academical year.

NOTE.—The absence of a College clock causes great irregularities in attendance at chapel, at lectures, at the Parish Church, and at meals. There are two clocks in the Museum: one with the weights wound round it, the other with the pendulum in one part of the room, the body of the clock in another part.\* This absence of order and strict attention to time is productive of endless minor irregularities in the conduct of the College.

## No. II.

### THE VISITOR'S NOTICE.

HIBBERT BY DIVINE PERMISSION, BISHOP OF NOVA SCOTIA.

*To the President, Professors, and Students of King's College, Windsor,  
Greeting:—*

Whereas, by the Act of Incorporation of King's College, it is enacted that the Lord Bishop of Nova Scotia shall always be *ex-officio* Visitor thereof, the powers and duties of the said Visitor being more particularly defined by the Statutes of the said College, Cap. I, Sec. 2, and whereas a requisition has been addressed to us by three Governors of the said College, complaining of the infringement of certain Statutes, of laxity of discipline, and of neglect, whereby the Library, the Museum, and the buildings belonging to the College have suffered grievous damage, in the opinion of the said Governors, and requesting us to hold a court of enquiry into the present condition of the said University and College.

Now we Hibbert, Bishop of Nova Scotia, Visitor of King's College University, do hereby give you notice that we propose [D. V.] to hold a visitation of the said College in the College Hall, on Tuesday the 25th day of April instant, at ten o'clock in the forenoon, requiring you the President, Professors, and all other Officers and Members of the said University and College to be ready to attend whenever you or any of you shall be summoned before us in the course of the said Visitation, to be examined touching any matters relating to the said University and College or the members thereof.

Dated at Halifax, this seventeenth day of April, in the year of our Lord 1871, and the 21st of our Consecration.

[Signed]

HIBBERT NOVA SCOTIA.

[L. S.]

\* One of the clocks alluded to in the text was ascertained to be an astronomical clock, and not suitable for daily use. At the close of the year 1871, no college clock had been provided.

## No. III.

KING'S COLLEGE, April 25th, 1871.

*My Lord,—*

Your Lordship has been pleased to accede to our requisition, dated Windsor, March 13th, 1871, that you should hold a Visitation at King's College, for the purpose of enquiring into the condition of the University and College.

It is therefore incumbent upon us to state with greater detail than is set forth in our requisition, the feelings and motives by which we are guided, and the object we have in view in soliciting the enquiry.

As Governors in conjunction with our associates in whom is vested according to the Statutes, "the Government of the College and University, we occupy a position of trust,"\* and the act of accepting the office to which we were elected by the Alumni involves the responsibilities of the trust subject to the Statutes, rules, and ordinances of King's College.

But as Governors residing at Windsor, in possible daily communication with the Officers and Students of the College, we are expected to be familiar with its general condition, and, if such exist, its exigencies and abuses.

We believe that we are familiar with its general condition, and also that exigencies and abuses exist, which can only be met and remedied by the action of your Lordship and the Board of Governors.

We have carefully considered the best mode of endeavouring to remedy the defects and abuses of which we are cognizant, and of avoiding any reference which might appear invidious or tinged with partiality or prejudice.

We have expressed our belief that the real cause of the present condition of the College is to be attributed to the infringement of the Statutes, and of such infringements we have enumerated ten which are material.

We have also pointed out the grave omission of the Board of Governors (including ourselves) to perform their part in important details in connection with the trust confided to them, and we respectfully acknowledge the immediate action your Lordship took to supply the remedy as far as the Board of Governors were concerned.†

We cannot conceal from ourselves that this omission might be urged as one reason for the laxity in discipline which exists in the College, while the holding of Board Meetings in Halifax, and the occurrence during the year of frequent difficulties in obtaining a quorum, may also be urged as prejudicial to the welfare of the College.

We view with great satisfaction the memorial recently presented to the Board of Governors by the Faculty of King's College. It anticipates in a measure some of the conclusions at which we have arrived. In the preamble the Faculty call attention to :

1st.—That "there is not sufficient inducement held out to Students to study."

\* "The Government of the College and University is vested in this Board." Statutes. Cap. I., Sec. 4.

† This was the immediate appointment by the Board of Governors of a Vice-President and a Proctor.

2nd.—“That the future of the College is at present very doubtful;” which, &c.

3rd.—“That the Professors are at present completely prevented from making a name for themselves.”

4th.—That the University is at present in a “torpid state.”

We now advert more particularly to the consequences of some of the infringements of the Statutes :

### 1st.—THE LIBRARY.

We consider a large and valuable College Library as a most important trust, and that its preservation and maintenance is a duty we owe not only to those by whose munificence and liberality it has been established, increased and maintained, and to those who derive and may derive present advantages from it, but also to all who in the course of time may come after us in association with the College.

In the statement of the condition of the Library which we are prepared to offer in detail, as derived from the Register ordered to be kept by the Statutes, explanations on the part of the Librarian may very largely modify the results submitted.

We greatly regret that the loss of the Catalogue of the Library, provided some years since by the Board of Governors, has limited the remarks we have to offer, and to a certain extent cramped our enquiry.\*

The Register, such as it is, shows :

Books not entered as “returned”.....	136
“ not distinctly specified as “returned”†.....	28
“ marked “returned” without date .....	106
“ “ “purchased”.....	185
Total number of bound volumes according to the Official Report of 1866.....	5800
“ “ “ “ “ “ “ of 1867.....	6000
“ “ “ “ “ “ “ of 1868.....	6060
“ “ “ “ “ “ “ of 1869.....	6186
Total number of volumes, including Pamphlets and volumes in paper covers, counted in the Library on the 15th April, 1871.....	5644
Number entered as lent out this year.....	56
	5696
Estimated number of Pamphlets.....	196
Total number of bound volumes in the Library and lent out during the year....	5500
Number of bound volumes not accounted for according to the Register, not including those not specified as not returned, and those purchased in 1869. (12).....	674

The number of bound volumes unaccounted for amounting to nearly seven

\* It eventually proved that the Catalogue of the Library had been lent by the then Librarian who had forgotten the fact.

† The explanation given by the then Librarian showed that the books “not distinctly specified as ‘returned,’” had been returned to the Library.

hundred (674),\* may be interpreted as reflecting on all Governors, officers and graduates who have had access to the library under Statute, Cap. VI, Sec. 2, as well as upon all students and persons who have had access to the Library by permission, whether duly authorized or otherwise

The irregularities of which we complain extend more or less over a period of sixteen years, and notably over the last six years, as shown by the unexplained list in detail, deduced from the register, which we herewith submit.† It is unnecessary to comment upon the moral influence of this condition of the affairs of the Library, as exhibited by the Register upon students and officers of the College.

The importance of the contents of the Library has not been underestimated at any time by the College authorities, for during eight successive years the College Calendar has contained the following paragraph. (Cal. 1863 to 1870 inclusive) :

"There are many thousand books on the shelves, but the number by no means gives an adequate idea of their value. Contrary to what is generally the case in such large collections, this Library contains very few volumes which would not be looked upon as valuable, while some of the works are very rare, and to be procured only at large prices."

The condition of the new Library Building erected by the munificence of the Alumni, and formally handed over to the Governors in 1865 speaks for itself. Its boarded up windows and tottering east gable are sufficiently distressing.

With regard to the internal arrangement, we are prepared with plans

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\* The result of the enquiry into the difference between the number of volumes officially returned to the Office of Education and that counted in the Library at the date given above went to show that the official numbers might have been *guessed at*. However, on the subsequent appointment by the Board of Governors of a new Librarian, and on this official calling in all books belonging to the Library, *over three hundred* (300) volumes were returned, of which only a small proportion was registered as lent out.

† Table showing the number of Books lent out of the Library from 1855 to 1871 as far as can be ascertained by careful analysis of the Librarian's books and Registers :—

Year.	No. of Vols.
1855.....	85
1856.....	177 Entries begun only on Sept. 3rd.
1857.....	298
1858.....	250
1859.....	297
1860.....	425
1861.....	226 No entries between March 1st and Sept. 6th.
1862.....	457
1863.....	360
1864.....	234
1865.....	198
1866.....	128
1867.....	98
1868.....	31
1869.....	44
1870.....	19
1871.....	133 From Jan. to end of March—after receipt of letter from the Bishop.

showing how the books, together with the contents of the Museum, (as year by year since 1863, stated to be the intention of the Governors, (See Calendar,) may be conveniently arranged, and with very little additional outlay, many of the necessary cases and shelves being already provided, and some of them standing unused in the old Library. We would point to the great advantages urged for eight years by the Governors, which such an arrangement would present for teaching purposes, and also to the effect it would produce upon visitors to the College.\*

### THE MUSEUM.

The Museum, small as it is, has from time to time been enriched by donations from the Alumni, the College, and private benefactors. The Professor of Chemistry and Natural History has greatly distinguished himself by his ability and industry in arranging minerals and botanical specimens for Exhibitions abroad and in the Province, as the following list of Medals, of Diplomas, of "Honourable Mention," and of prizes sufficiently attests.

"It is worthy of note, that Dr. How has obtained two awards of Medals from the Jurors of the International Exhibition 1862, for Minerals of Nova Scotia, collected and arranged by him. These Medals being in Class I., referring to Mining and Mineral products, and in Class XXIX., referring to Educational works and apparatus. The Professor has also been distinguished by two Diplomas of "Honourable Mention" issued by Her Majesty's Commissioners in London, one in Class X., for Building-stones, the other in Class III., for a collection of Medicinal and other Plants of Nova Scotia."—(Calendar for 1863, page 27.)

#### AT THE PROVINCIAL EXHIBITION, 1868.

Best Collection of Minerals arranged Mineralogically, 1st Prize, Professor How, D. C. L. ....	\$25 00
Best Model Cabinet of Minerals for illustration of lessons on Mineralogy in Public Schools, 1st Prize, Dr. Henry How, King's College. ....	\$20 00

In the Calendar for 1865, the Governors state, "His (Professor How's) scientific assistance has been rendered to the Nova Scotia Commissioners to the Dublin Exhibition, (as formerly to that of London in 1862,) to which a contribution was loaned under Dr. How's selection, from the Mineralogical Cabinet of the College."

While we recognize these proofs of ability and industry with the greatest

\* A correspondent of the Halifax "Morning Chronicle" thus describes the appearance of the Hall after it had been renovated and the books arranged under the superintendence of the Governor's Committee.

"The beautiful appearance of the Hall, the perfect arrangement of the Library and Museum, elicited universal admiration, and infinite credit is due to those Governors and others concerned with the College who have brought it all about, and worked such a transformation from the dirge (*dirty*) and slovenly look of former years. I question whether any of our public buildings can show a more tastefully decorated room, or one so richly furnished with valuable books and well ordered museum. I advise your readers to procure the Windsor "Mail" of Tuesday 29th, and keep it for future reference as a carefully prepared account of the varied contents of the Library." *Morning Chronicle*, July 1st, 1871.



satisfaction, and consider them to be highly creditable to the College, why, we are compelled to ask as Governors, is the Museum permitted to remain in such a comparatively bare, ill-arranged, and, for teaching purposes, almost useless condition?

It may be observed that with reference to the Museum, no contributions are recorded in the Calendar since 1868, and that since the year 1863, there has been in regular sequence, year by year, the following paragraph:

"The additions of Minerals, Fossils and Zoological specimens noted from time to time in the periodical reports, obtained by collections, donations and exchanges, have greatly increased the value of the College Cabinets. It is hoped that when properly displayed in the new Hall, these illustrations of the Natural History of Nova Scotia and other parts of the world will be not only of service to the Students, but of attractive interest to visitors."—*Calendar from 1863 to 1870.*

With regard to other infringements of the Statutes alluded to in our requisition, we respectfully solicit your Lordship to request that the documents enumerated in the appended list be produced.

It remains for us to state on our solemn word of honour, that we are influenced by no other motives in our present action, than a fixed determination to sustain by every honourable means in our power the University of King's College for the present and for future generations. We are aware that it is possible the course we have taken may expose us to the animadversions and reproaches of some of those who are nearly or remotely connected with the College; for this we are fully prepared, and while we utterly disclaim all personal, private and secret motives or impulses, we shall not hesitate to uphold our purity of purpose in the most public manner, if the necessity should at any time be forced upon us.

Finally, we venture respectfully to submit to your Lordship that this enquiry may be conducted in two ways.

*Firstly*—That after your Lordship has satisfied yourself of the general truthfulness of our allegations, they be admitted without further enquiry, and the admission be recorded on the Minutes of the Board of Governors; that a committee be appointed consisting of the President and Professors of the College, the requisitionists, and the President of the Alumni to draft, at their earliest convenience, a scheme for the consideration of the Board of Governors, which shall comprehend the entire remodelling of the University and College in all its departments; also a draft of a plan for raising additional funds and obtaining benefactions to the Library and Museum, both in the Province and abroad; that they proceed to arrange the Library and Museum in the new Hall, so that it may be in complete order at the next Encœnia, according to the accompanying plan, or any other plan approved by your Lordship, and that they proceed to the preparation of the Calendar for 1871, so that it may be printed and ready for distribution at the next Encœnia.

*Secondly*—That the enquiry be pursued *in extenso*.

THOS. MAYNARD, M. A.,

HENRY Y. HIND, M. A.,

*Governors of King's College.*

## No. IV.

## REPORT OF THE VISITOR OF KING'S COLLEGE.\*

8TH MAY, 1871.

Having been called upon by three Governors to hold a Visitation of King's College, in consequence of alleged neglect of Statutes, &c., I appointed April 25, at 10 a. m., to meet the President, Professors, &c., in the College Hall.

The requisition alleged 10 material infringements of Statutes, which were taken up as follows, the complaints being here mentioned by number :

No. 1.—[Cap. II., Sec. 5.—The delivery of lectures and the attendance of Students at lectures is very irregular. No record is kept of the attendance of Students at lectures as provided by the Statutes, consequently discipline is not maintained or suitable instruction secured.]

*Answer*—No record is required by Statutes,† but it was agreed that each Professor should keep a list of attendance at his lectures, and produce it at the weekly meetings of the Board of Discipline. With respect to book mentioned in Cap. II., Sec. 5, it was thought that it should be kept at the Chapel, and names should be entered there.

No. 2.—[Cap. II., Sec. 14.—No Proctor having been appointed by the Governors at the commencement of the Academical year, discipline outside of the College walls has been injuriously relaxed.]

*Answered* by appointment of Professor How, but the Secretary has not notified this appointment.

No. 3.—[Cap. III., Sec. 1.—The Professors are required to subscribe Declaration No. 2† in the Appendix. This has not been done with regard to the Professor of Mathematics and the Professor of Modern Languages. They are, therefore, without responsibility, and they feel the neglect of this requirement as reflecting the character of the College.]

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\*NOTA BENE.—The Visitor's Report is in large type. The references and foot notes in small type are added by the requisitionists for the sake of clearness, and to save turning back to preceding pages.

† "Residence shall be kept by attendance at the appointed lectures, and by entering the name daily in a book to be provided for the purpose" Statutes, Cap. II., Sec. 5.

The inference certainly appears to be that a record of attendance at Lectures is contemplated by this Statute.

‡ "The person to be Matriculated must have completed his fifteenth year,—have passed a satisfactory examination in the Greek and Latin Languages, and have signed a declaration that he will comply with the rules and regulations of the University, of which he shall receive a copy." Statutes, Cap. II., Sec. 2.

"I, A. B., do solemnly declare that I will observe the Statutes of this University and College of Windsor, to the best of my ability." Appendix to Statutes, Declaration No. I., to be signed by all Undergraduates.

"I, A. B., do solemnly declare that I will perform all the duties of the office of ———, to which I am appointed, according to the Statutes of the University or College of Windsor, to the best of my judgment and abilities." Appendix to Statutes, Declaration No. II., to be signed by all Professors on their taking office.

Not only the Professors have been left without signing the declaration, but even the Undergraduates have not signed No. 1, and the Matricula\* has not been kept.

No. 4.—[Cap. V., Sec. 6.—There being no Vice-President appointed by the Governors, the whole internal discipline of the College has fallen into a disreputable state.]

Dr. Hensley appointed Vice-President.

No. 5.—[Cap. V., Sec. 7.—The Bursar having been, unhappily, made incapable of active exertion, through prolonged illness, (for upwards of a year) his duties connected with the domestic arrangements and the charge of the movable property of the College have been neglected, and much disorder and dissatisfaction have occurred in the domestic arrangements, and much damage done to the buildings and moveable property of the College.]

The Bursar seemed disinclined to admit the plea of health, which was really the only excuse for his manifest neglect in some respects. The hall has suffered particularly from neglect; water-spout broken; portion of front wall falling away from roof. This last being of immediate urgency, I authorized Prof. Hind to employ workmen to repair it. I spoke particularly of the authority and consequent responsibility of the President, and explained that it was his place and duty to see that each and every officer attended to the work committed to him.†

No. 6.—[Cap. VI., Sec. 1, Refers to the duties of the Librarian and to the Museum, both of which have been grievously neglected, and in consequence of this neglect, many books or pictures are injured or astray. The new Library building is in danger of being seriously injured. Some of the valuable Philosophical instruments and apparatus are broken or out of order; some coins are missing; nearly the whole of the Natural History specimens are hopelessly ruined, and the minerals and fossils are in utter disarrangement. The Museum is a picture of disorder and neglect.]

The Museum and instruments were originally under the care of the Librarian. But probably the best arrangement will be to commit the Museum to the Professor of Chemistry and Natural History, together with all apparatus used chiefly for illustrating his lectures, and the Philosophical instruments should be committed to the Professor of Mathematics.

No. 7.—[Cap. VI., Sec. 2.—This Statute, with respect to the Library, is ignored or disregarded, in so far as that persons have access to the Library without having signed the declaration referred to.]

\* "A Matricula, or Register, shall be kept, in which the names of all persons who shall be admitted members of the University shall be enrolled, with their age and other particulars, by or in the presence of the President or his Deputy." Statutes, Cap. II., Sec. 1.

For further information respecting the Matricula, see subsequent pages.

† "It shall be the duty of the President to exercise a general superintendence over every Department of the College, and all officers and students shall be subject to his control. It will be his duty to watch over the youths entrusted to his care, to advise and admonish them, making himself personally acquainted with the character and habits of each Student, so as to be, as far as possible, *loco parentis*." Statutes, Cap. V., Sec. 3.

Under this head we went through the Library Rules :

1. It appears that cases of coins, &c., are *not* now locked up—ordered that keys be immediately procured and kept, according to Statute. Of some cases in the Museum, Professor How alone has keys.
2. The declaration has not been commonly signed.
3. Considered this rule sufficiently observed by the Librarian making arrangements to be present when required. Ordered that undergraduates shall never enter the Library without the presence of a responsible person.
4. Requisitionists state that many books have been lost. The Catalogue made by Mr. Maturin cannot now be found.  
[See foot-note page 105.]
5. Neglected.
6. Neglected.
7. Observed generally.

## EXTRACTS FROM THE STATUTES OF KING'S COLLEGE.

### CAP. VI.

#### THE LIBRARY.

1. A Librarian, and also, if requisite, a sub-Librarian, shall be appointed by the Governors, whose duty it shall be to take charge of the Library and of all things contained in it, whether books, manuscripts, or apparatus, and they, with the President and Professors, shall be the only persons entrusted with keys of cases and closets in which valuable manuscripts, medals, coins, and other things liable to injury, may be locked up.
2. The Governors, and all officers and graduates who have signed the declaration in Appendix No. 3, may have a key of the Library, and take out books at any time.
3. The Librarian or his Deputy shall attend daily in the Library at an appointed hour. Undergraduates may use the Library when he is present, and may obtain books from him to be taken to any room within the College, and to be retained for such time as he, with the sanction of the President may permit.
4. A register shall be kept, in which the date of taking out and returning each volume, with the name of the borrower, shall be carefully entered.
5. Damage done to any book, plate, or other thing belonging to the Library, shall be made good by the person in whose name it is entered on the Register.
6. The President may prepare a list of books which are *not* to be taken out of the Library.
7. No person other than a member of the University shall be admitted into the Library, unless introduced by a Professor or Graduate.

Nos. 9 and 10.—[No. 9, Cap. V., Sec. 3.—This Statute, which states that it shall be the duty of the President to exercise a general superintendence over every department of the College, is ignored, as evinced by the existence of eight infringements of the Statutes recorded in the preceding paragraphs.]

[No. 10, Cap. VII., Sec. 1.—This Statute is rendered ineffective, because the officers whose duty it is to take note of irregularities and violations of rules inside and outside of the College, namely, the Vice-President and the Proctor, have not existed during the present Academical year.]

Spoke strongly of refusal of Professors to act under authority conferred by the Governors. Professors must remember that they are also College Tutors, and as such are bound to attend to order and discipline. Professor How did not understand this, and thinks it should be explained to candidates for Professorships. Professor Sumichrast acknowledges that he was wrong, and would now gladly receive authority.

Enquired respecting attendance of Students at the Parish Church, which is said to be frequently late; suggested that Church bell should always be rung for a definite time, and that notice of commencement should be given to the students by a servant ringing the College bell. This would obviate excuse for irregularity on account of difference of clocks.

Having heard rumours of bad behaviour of certain students on the night of Good Friday, attended with insolence to Professor Sumichrast, I called for Minutes of Board of Discipline, and made other inquiries, and learned that *two* of the culprits had been sentenced to rustication, and that consequently the rest of the students disgraced themselves and the College by appearing, on Easter Sunday, at Church, with torn gowns wrapped round their arms and caps in token of mourning.

I sent for the Students and admonished them sharply, setting before them, in the first place, the enormity of the conduct of the violators of a day so sacred as Good Friday must ever be in the estimation of every Christian; and, secondly, the sad fact that they had all made themselves partakers of the guilt of the original offenders by their conduct on the great festival of Easter, which they had thus profaned. I spoke to them strongly of the tricks upon freshmen, and the difficulty of recovering our reputation, and affirmed our determination to maintain discipline at any cost. Especially exhorted them as a minister of Christ, as the Bishop of the Diocese, assuming him to be appointed Visitor, that he may thus interfere when required.

[Signed]

H. NOVA SCOTIA.

#### No. V.

#### RESOLUTION OF THANKS TO THE REQUISITIONISTS.

At a meeting of the Governors of King's College, held 8th May, 1871:

"Resolved, That the cordial thanks of the Board be presented to Professor Hind and Reverend Thomas Maynard, being Governors of the College, for the thorough, careful and zealous manner in which they have conducted their examination into the state of the College, and reported on the subject to this Board; and that the requisition to the Visitor, signed by them, together with his Lordship's remarks on the same, be entered on the Minutes."

Extract from the Minutes.

J. C. COCHRAN, M.A.,  
Secretary.

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H. NOVA SCOTIA.

REQUISITIONISTS.

College, held 8th May,

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C. COCHRAN, M.A.,  
Secretary.

## APPENDIX.

### LIST OF DOCUMENTS REQUESTED TO BE PRODUCED.

1. The Lecture Lists of the Junior Professors showing the daily attendance of the students.
2. The Residence Book—Cap. II., Sec. 5. *Not kept.*
3. The Matricula or Register—Cap. II., Sec. 1. *Not produced.*
4. The Rules and Regulations of the College. *Produced.*
5. The Account Book of the Bursar—Cap. V., Sec. 7. *Not produced.*
6. The Minutes of the Board of Discipline. *Produced.*
7. The Catalogue of the Library. *Lost.*
8. The Register of the Library from 1855—Cap. VI., Sec. 4. *Produced.*
9. A list of the Philosophical Instruments, with brief notes as to their condition. *Not produced.*
10. The Catalogue of the Museum. *Not produced.*
11. The Record of Donations or Benefactions to the Library and Museum. *See Calendars.*